

These Minutes have been edited for data protection purposes, a paper copy of the unedited minutes is available on request

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 19 SAMHAIN 2012

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 19 NOVEMBER 2012

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran County Manager	Mr. J.D. Flynn, Dir. of Corp. Serv.
Mr. O. Ring, Dir. Env. & W.S.	Mr. J. Breen, Dir. Hsg. & Comm&Ent
Ms. A. McAllen, A/Head of Finance	Mr. C. O'Sullivan, Dir. of Roads
Mr. M. McMahon, Dir of Planning	Mr. J. Griffin, Tourism Officer
Mr. G. O'Brien, Meetings Admin.	Ms. J. McCarthy, SEO Planning
Ms. K. Moriarty, A/SEO Finance	Mr. D. Walsh, Proj. Mgr. KNRDO
Mr. F. Joy, EE KNRDO	Ms. K. Lynch, A.O. Finance
Mr. L. Brosnan, A.O. Planning	Mr. P. Corkery, Press & Comm. Off.
Ms. B. Reidy, S.S.O. Corp. Affairs	Ms. C. Fitzgerald, A.S.O. Corp. Aff.
Ms. O. O'Shea, C.O. Corp. Affairs	

The meeting commenced at 10.40am.

The Mayor Cllr. T. O'Brien took the Chair.

Vote of Sympathy

Cllr. D. Healy-Rae extended a vote of sympathy to Josephine O'Connor of the Housing Department on the death of her father.

All members said they wished to be associated with this expression of sympathy.

12.11.19.01 Mayor's Report on the CPG Meeting held on 13th Nov. 2012

The Mayor read the following report into the record of the meeting:

Item 1 "Agenda for the November Council Meeting"

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

Item 2 County Development Board Update

Mr. J. Breen briefed the meeting on the current status of the CDB as follows:

- Circular Letter CD 4/12 dated 23rd October 2012, advised local authorities that City/County Development Boards will be wound down by the end of 2012.
- It is intended that it will be replaced by a Socio-Economic Committee which will comprise of 15 members. No further details are available on this committee at this time and the necessary legislation is not yet in place.
- The Department has asked local authorities to set out how the various structures/committees under the remit of the CDB will continue into the future. Copy of Circular Letter CD 4/12 and an extract from the policy document 'Putting People First' is attached to the Mayor's Report.

Item 3 Update from Chairs of SPCs

Cllr. P. McCarthy briefed the meeting on the items considered at the last meeting of the Planning & Economic Development SPC under the following headings:

- Housing Estates Unit
- Quarries
- Forward Planning Unit

A full report would be presented at the November meeting.

Cllr. M. Gleeson briefed the meeting on the items considered at the last meeting of the Environment & Water Services SPC under the following headings:

- RAL – Water Quality Improvement Programme
- New Smoky Coal Ban Regulations
- Update on Capital works at North Kerry Landfill
- Update on Public Participation on the Identification of Bathing Waters
- Update on Regional Waste Management Review

A full report would be presented at the November meeting.

Cllr. P. Connor-Scarteen said the next Roads & Transportation SPC meeting would be held on the 3rd December.

Item 4 Update on the Household Charge

Ms. A. McAllen briefed the meeting on the current position in relation to the Household Charge as follows:

- Kerry remains in third place in the country for the collection of the Household Charge with 73% compliance.
- The third set of reminder letters issued to those on the NPPR list three weeks ago and the next step will be legal proceedings.
- Data matching was also undertaken with data from the Property Registration Authority. However payment of the Charge on foot of these letters was slow. 5,000 letters issued and further letters will only issue when a thorough check of the list has been concluded.
- The data gathered on the Household Charge is likely to be handed over to Revenue next year.

Item 5 Update on the Wild Atlantic Way

Mr. C. O'Sullivan briefed the meeting on the Wild Atlantic Way as follows:

- The Wild Atlantic Way is a route from Donegal to Kinsale which being co-ordinated by Fáilte Ireland.
- The draft route is now finalised and will be up on the Fáilte Ireland website this evening.
- There will be three weeks public consultation on the route. Two public meetings will be held in Kerry (1) in the Ring of Kerry Hotel, Caherciveen on the 21st November from 11am to 2pm and (2) in the Carlton Hotel, Tralee also on the 21st November from 4.30pm to 7pm. Fáilte Ireland will write to all involved in the tourism sector to advise them of the meetings and the public consultation process.

Item 06 Civic/Mayoral/Area Receptions

Mr. O'Brien reminded the CPG that a Mayoral Reception would be held on the 19th November for Kerry Handball.

The CPG agreed to host a Mayoral Reception in early 2013 for the Kerry Junior Football Team who won the All Ireland Junior Football Championship 2012."

Cllr. J. Brassil referred to the proposed route for the Wild Atlantic Way and said the map shows the route from Ballyduff to Ballyheigue going through Causeway when in fact it should be via the North Road. Also the route should go around Kerry Head which is suitable for cars and maybe suitable for buses as school buses travel this route. There is a spectacular view of the Atlantic from this route. He called on Management to submit these proposals and said he would make a submission to this effect at the Carlton Hotel.

Cllr. R. Beasley supported these suggestions and said the North Road is much more scenic.

Cllr. D. Healy-Rae asked why a public meeting would not be held in Killarney or Kenmare to facilitate the people from South Kerry.

Mr. C. O'Sullivan informed the meeting he made the case to have Kerry Head and the North Road from Ballyduff included. There is provision for two public meetings in each county only and Caherciveen, which is on the route, was an obvious choice for South Kerry.

Cllr. T. Ferris referred to the Tralee By-Pass and the fact that staff have been laid off. She asked if this will delay the completion of the project further.

In response Mr. C. O'Sullivan said the bad weather delayed progress on this road. However depending on the type of work ongoing at the time all staff may not be required. The contractor has not yet informed the Council of a delay with this project and monthly meetings are held with the contractor.

12.11.19.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy it was resolved that the minutes of the October Ordinary Meeting of Kerry County Council be confirmed.
- (b) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Finucane it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on the 5th November, 2012 be confirmed.
- (c) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. B. O'Connell It was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on the 12th November, 2012 be confirmed.

12.11.19.03 Material Contravention of the County Development Plan

Cllr. T. Ferris declared in accordance with Section 177 of the Local Government Act, 2001 the applicant in this case is her brother and she would leave the meeting while this item was being considered.

Cllr. Ferris then left the meeting.

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

Mr. M. McMahon briefed the meeting in detail on the report.

Development Description

To retain and complete existing dwelling house and garage as constructed on site complete with all ancillary site works associated with same at Ardfert, Co. Kerry.

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

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

The attached report and recommendations, dated 9th November, 2012, has been prepared to facilitate your consideration of this matter.

In accordance with the terms of this report and recommendation, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area, is in compliance with Ministerial Guidelines and in accordance with the Regional Planning Guidelines, and **a grant of permission is, therefore, recommended, subject to the conditions listed therein (9 no.)**

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

Date: 9th November, 2012.

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act, 2010 in relation to application for retention permission to retain and complete existing dwelling house and garage as constructed on site complete with all ancillary site works associated with same at Ardfert, Co. Kerry.

Planning Register No. 11/949

Name of Applicant: (Name withheld for data protection purposes, a paper copy of the unedited minutes is available on request)

Address of Applicant: (Address withheld for data protection purposes, a paper copy of the unedited minutes is available on request)

Agent: Michael Burke, Architectural Technician, Curraheen, Tralee.

Date application lodged: 07/12/2011

Date further information received: 05/09/2012

Material Contravention Procedure initiated with publication of prescribed notice in Irish Examiner newspaper on 27/09/2012.

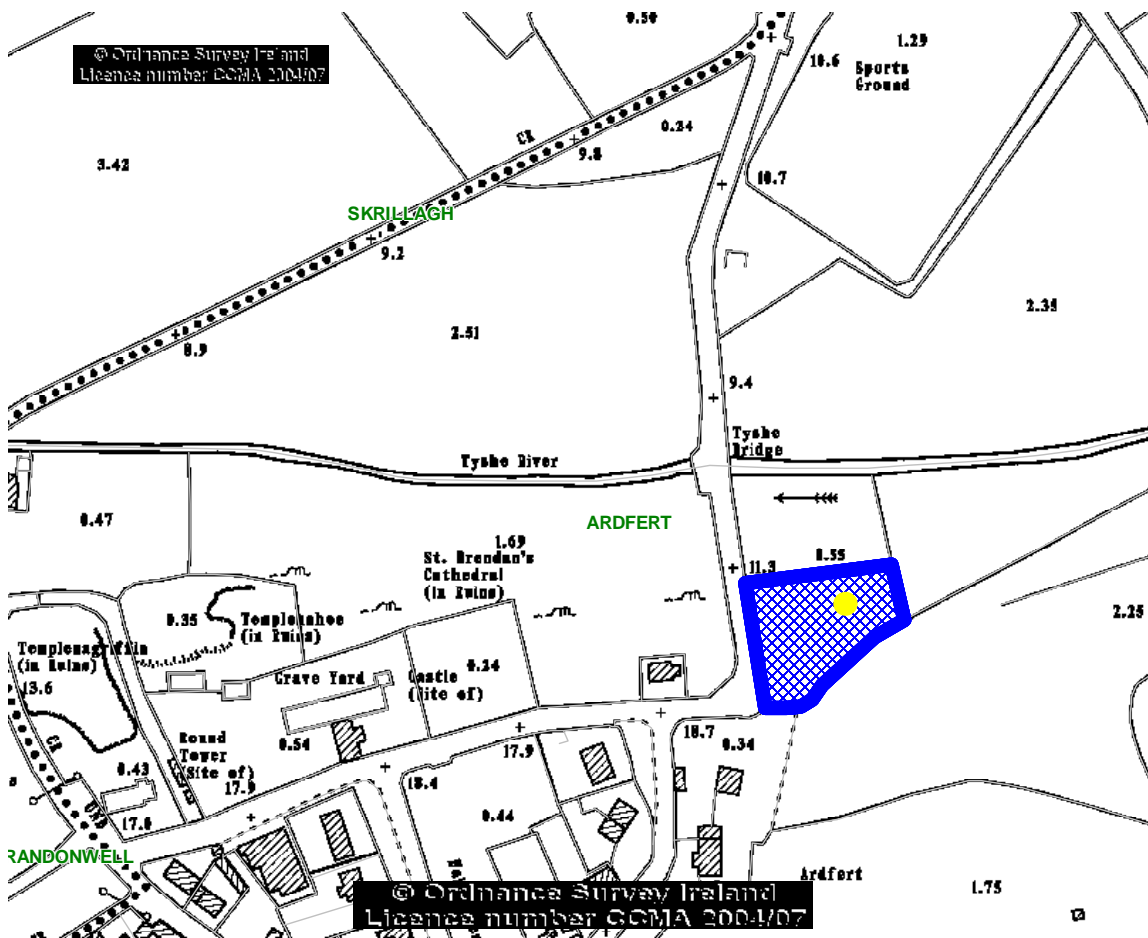
Decision due date: 21/11/2012

Proposal

Retain and complete dwelling house (1 ½ storey design, floor area 299 square metres) and detached garage (floor area 87 square metres) on a site of area 0.267ha.

Site Location Maps





Pre-Planning Consultation

None

Description of Site and Surroundings

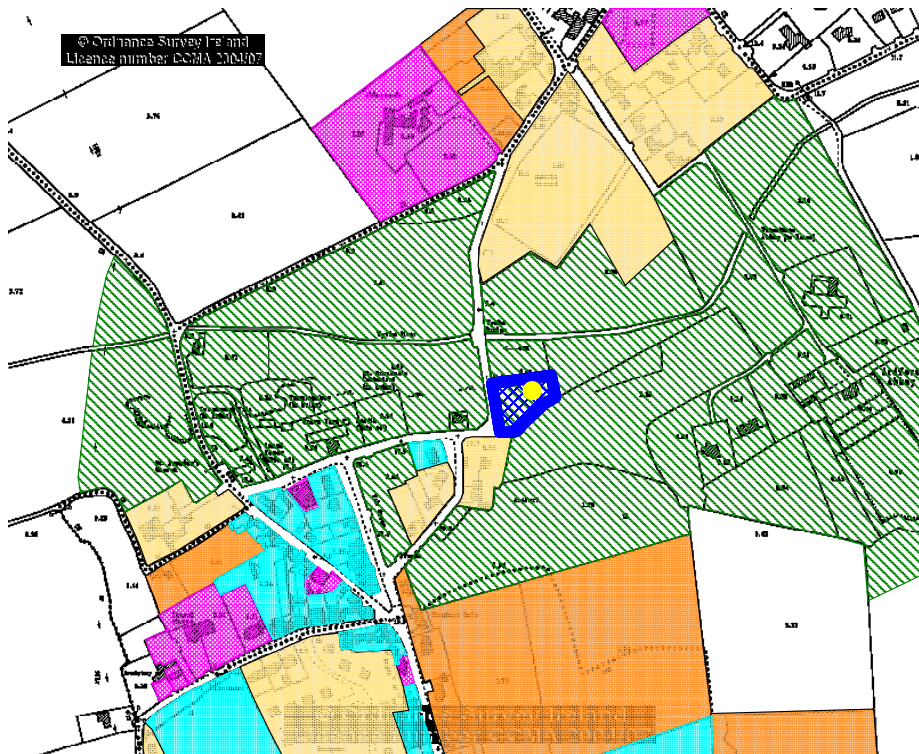
The site consists of a corner of a grass covered field which adjoins the Ardferf to Causeway Road at the eastern edge of Ardferf Village. The site falls from south to north. The roadside (western) boundary comprises a stone wall. The south side and rear boundaries are defined by mature sod and stone fences while a timber post and rail fence defines the northern side boundary. There is a dwelling house on the adjoining land to the south while the lands to the rear and north are undeveloped.

On the application site, there is a dwelling house and detached garage which have been constructed to roof level but where windows and doors have not been installed.



Photograph of partially constructed house and detached garage taken from Ardfert to Causeway Road

Zoning and Designations



The site is located in an area zoned Amenity in the Ardfert Local Area Plan which is part of the Tralee / Killarney Hub Settlements Local Area Plan 2006.

Objective O-3: This land is reserved for amenity use

Relevant Planning History

Planning Register No. 03/3086

Outline planning permission was granted on the site to (Name withheld for data protection purposes, a paper copy of the unedited minutes is available on request) to construct a private dormer type dwelling house and separate double garage serviced by a Biocycle and percolation area.

Planning Register No. 06/1273

Planning permission was granted on the site to (Name withheld for data protection purposes, a paper copy of the unedited minutes is available on request) to construct a dormer type dwelling house with separate double garage and ancillary site works including Biocycle type sewage treatment unit and percolation area.

Planning Register No. 06/91273

Application to extend duration of planning permission was refused on 28/10/2010 to (Name withheld for data protection purposes, a paper copy of the unedited

minutes is available on request) to construct a dormer type dwelling house with separate double garage and ancillary site works including Biocycle type sewage treatment unit and percolation area.

Reports

Water Services Dept., Kerry County Council.

- (1) Received on 03/01/2012 - Water Services report not applicable.*
- (2) Received on 13/09/2012 – It is acceptable to Water Services Dept to connect to the public sewer via a pumping station.*

County Archaeologist.

- (1) Received on 04/01/2012 – Archaeological Impact Assessment should be requested.*
- (2) Received on 11/09/2012 – No evidence of archaeological features or strata on the site. No further mitigation required.*

Submissions/Observations

None

Sub-threshold Environmental Impact Assessment (EIA) Screening Exercise Step one: Environmental Topics that may be harmed.

- Human beings and Material Assets – no negative impacts anticipated
- Road Safety / Traffic– no negative impacts anticipated
- Ecology (flora & fauna) – no negative impacts anticipated
- Soil– no negative impacts anticipated
- Water– no negative impacts anticipated
- Air, Climatic factors, Noise and Vibration– no negative impacts anticipated
- Landscape including Architectural Heritage and Streetscape– no negative impacts anticipated
- Archaeological and Cultural Heritage– no negative impacts anticipated

1. Characteristics of development	
Size	Small scale development – approx 0.267 Ha.
Accumulative impacts with other developments / projects	It is noted that there are a number of existing and proposed urban type developments in the area. Potential for permanent cumulative impacts in relation to visual impact, water quality and road safety.
Use of natural resources	Soil overburden to be removed from part of site.
The production of wastes	No large-scale wastes will be generated. Proposed house to be connected to public foul sewer.

Pollution and nuisances	<ul style="list-style-type: none"> • No significant nuisances anticipated • Slight risk of small scale spillage of oils / hydrocarbons during construction phase. • Slight to moderate risk of small scale sediment loss at construction stage to nearby watercourses <p>The above risks are not considered to be difficult to avoid or reduce and are not overly complex.</p>
The risk of accidents having regard to substances or technologies used	No hazardous activity on site posing a significant risk to a habitat or human environment.
2. Location of Proposed Development	
Existing land use	Construction site
Previous land use	Agriculture
Relative abundance, quality and regenerative capacity of natural resources in the area	<p>Small scale soil overburden to be removed - regenerative capacity minimal.</p> <p>Area affected not considered to be significant within the context of the relative abundance of these resources in the area.</p>
<p>The existing environment and absorption capacity of the natural environment, paying particular attention to the following areas:</p> <ul style="list-style-type: none"> ○ Wetlands ○ Coastal zones ○ Mountain and forest areas ○ Nature reserves and parks ○ Natura 2000 sites ○ Areas in which environmental quality standards laid down by the EU have already been exceeded ○ Densely populated areas ○ Landscape of historical, cultural or archaeological significance 	<p>This proposed project is a small-scale development consistent in character with existing development in the area.</p> <p>The site is located at the edge of the village and the area has the ability to absorb a certain amount of further development of this nature.</p> <p>A number of environmentally sensitive sites are located in the wider area, including Natura 2000 sites, wetlands, lands designated for landscape and archaeological purposes and mountain / forest areas. It is considered that these are unlikely to be significantly affected by way of a proposal of this nature at this location.</p> <p>It should be noted that a separate AA Screening Report was prepared in relation to this proposal.</p>

3. Characteristics of Potential Impacts The potential significant effects of the proposed development in relation to the criteria set out in 1 & 2 above and having particular regard to:	
Extent of the Impact (geographical area and size of affected population)	Generally limited to the development site itself and its immediate vicinity. However, the potential for visual impacts extends to the wider area and the potential for water quality impacts extends to the wider water catchment.
Transfrontier nature of the impact	None.
Magnitude and complexity of the impact	Main impacts include potential for pollution events to downstream watercourses and potential for impacts on landscape. It is not anticipated that many people will be adversely affected by the proposal. The magnitude of impacts is not considered to be overly great or complex.
Probability of the impact	Low to moderate. No significant impacts anticipated.
Duration, frequency and reversibility of the Impact	Construction risks (hydrocarbon spillages, sediment loss etc) and nuisances (noise etc) are likely to be temporary in nature. More long term impacts will be associated with the permanent and operational aspects of the project (visual impact, water quality impacts etc). Anticipated visual impacts to be ameliorated by way of landscaping etc. No significant impacts anticipated.
4. Recommendation and conclusion	
Having regard to the above and in particular to the nature, scale and location of the proposed project, It is considered that an EIA is not required in this instance.	

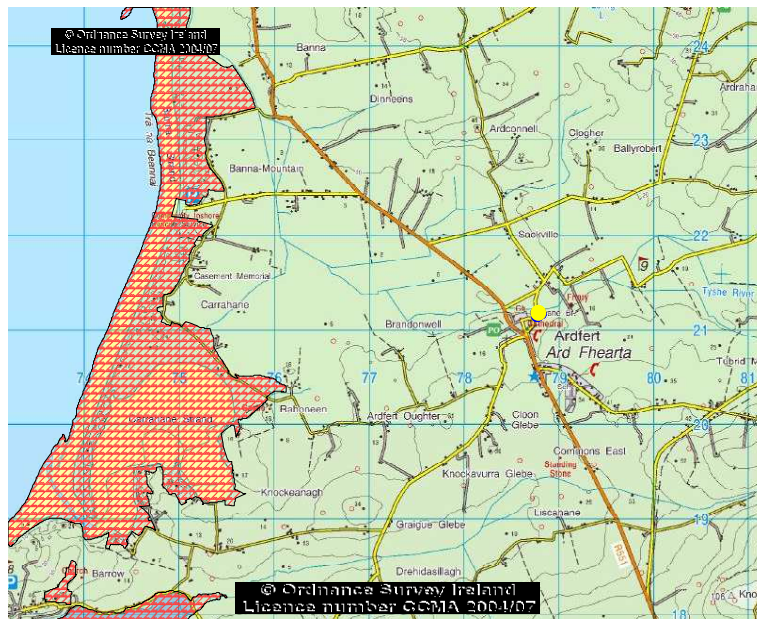
Appropriate Assessment Screening Report

Planning Reference Number:	11/949
Description of the proposed development (including a brief outline of its nature and size):	Retain and complete existing dwelling house and garage as constructed on site complete with all ancillary site works associated with same
Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site	No.

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

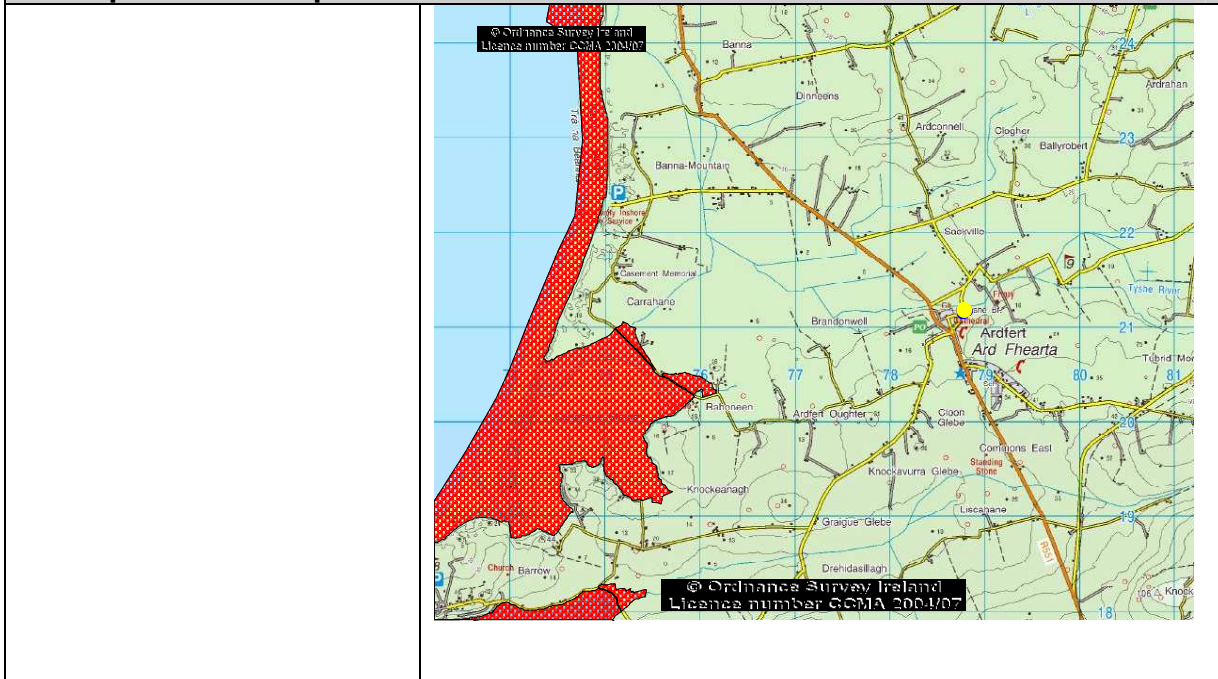
Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site

The nearest SAC to the site is the Akeragh, Banna and Barrow Harbour SAC which is almost 3km to the west



The nearest SPA to the site is the Tralee Bay Complex SPA which is almost 3km to the west

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



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

Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate)	None
-------------------------------------------------------------------------------------------------------------------------------------------------	------

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

Potential significance indicators include:	
• Reduction / erosion / fragmentation of key habitat(s)	Not likely
• Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance)	Not likely
• Alteration of key environmental conditions (e.g. water quality, water supply, air quality)	Not likely

<ul style="list-style-type: none"> Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites 	Not likely
<ul style="list-style-type: none"> Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites 	Not likely
<ul style="list-style-type: none"> Interference with the movement of mobile dune and intertidal Natura 2000 habitats 	Not likely
<ul style="list-style-type: none"> Other potential impacts 	Not Likely
<ul style="list-style-type: none"> Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects 	Not Likely

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

Assessment

1. Traffic: It is considered that adequate sightlines are achievable at the proposed entrance given that the entrance is located within the 50kph speed limit zone.
2. Effluent disposal: The dwelling house is proposed to be connected to public foul sewer.
3. Surface water disposal: To soak pits on site.
4. Residential amenity: It is considered that the design and layout of the proposed house and the existing mature screening along the southern boundary would ensure that the proposed house would not impact on the residential amenities of the existing house to the south.
5. Visual impact: It is considered that the design and siting of the house and garage are appropriate to the location and topography of the site. The proposed house would have a backdrop to the rear and the southern side provided by the existing mature boundaries. The proposed hedge planting along the northern side boundary would further mitigate the visual impact of the proposed development.
6. Planning History: There is a history of grants of permission for a dwelling house on this site prior to the adoption of the Ardfert LAP in 2006.
7. Submissions: No third party submissions were made in relation to this application.
8. Ministerial Guidelines: It is considered that the proposed development would not contravene Ministerial Guidelines under Section 28 of the Planning and Development Act.
9. Regional Planning Guidelines: It is considered that the proposed development would not contravene Regional Planning Guidelines.
10. Zoning: The application site is located in an area zoned Amenity in the Ardfert Local Area Plan 2006-2012, hence the need to implement the Material Contravention Procedure in order to grant retention permission to retain and complete the dwelling house and garage. The following points are noted.
 - (a) The site is located in a predominately residential area and the development of a dwelling house on the application site would be compatible with the existing pattern of development in the vicinity.

- (b) The site is part of an extensive area zoned Amenity in the Ardfert LAP and the retention and completion of the proposed house and garage would not prejudice the use of the remainder of the Amenity zoned lands for amenity purposes.
- (c) The house and garage are very similar to the designs permitted on the site under Planning Register 06/1273 and it is accepted that works commenced on the site prior to the expiry of that grant of permission.

11. Development Contributions: It is noted that contributions for water and amenity were paid pursuant to grant of permission for a dwelling house on the site under Planning Register No 06/1273. The current proposal differs from the previously permitted development in that it is now proposed to connect the house to the public foul sewer. Therefore, a condition recommending the payment of a sewerage contribution will be made as follows:

Sewerage levy: 299 sq m @ EUR 38/sqm = EUR 11,362.

Recommendation

Grant retention permission subject to the following conditions:

FIRST SCHEDULE

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

SECOND SCHEDULE

- (1) The development shall be retained and completed entirely in accordance with the plans and particulars received by the Planning Authority on 07/12/2011 and 05/09/2012 except for any alterations or modifications specified in this decision.

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

- (2) (a) Proposed dwelling house shall be in accordance with the design drawing received on 07/12/2011.
- (b) Roof shall be covered with slates or tiles which shall be either black, dark-grey or blue-black. The colour of the ridge tile shall match the colour of the roof.
- (c) All external finishes shall be neutral in colour, tone and texture.

Reason: To integrate the structure into the surrounding area.

- (3) (a) Proposed garage shall be in accordance with the design drawing received on 07/12/2011.
- (b) The external finishes (roof, walls and windows) to the garage shall match the dwelling house.
- (c) The garage shall be used for domestic storage purposes only and not for any commercial or agricultural uses.

Reason: To integrate the structure into the surrounding area and to regulate and control the use of the structure.

- (4) (a) The dwelling house shall be connected to the public water supply network. A meter box shall be installed to the satisfaction of Water Services Dept, Kerry County Council.
- (b) The dwelling house shall be connected to the public foul sewer via a pumping station which shall be located within the site and which shall contain duty and standby pumps and a suitably designed storage tank to accommodate interruptions to power supply. Connection of the pumping station to the public foul sewer shall be carried out at the expense of the developer.

Reason: In the interest of public health

- (5) (a) Vehicular access to the site shall be located as shown on the Site Layout Map received on 05/09/2012.
- (b) The new wing walls shall be constructed in stone to match the roadside boundary wall. Wing walls forming the entrance shall be splayed at an angle of 45° to the line of the front fence.

Reason: In the interest of visual amenity and traffic safety

- (6) Formation of the splayed entrance shall not cause surface water or seepage water to flow onto the road surface. No water from the proposed development shall be allowed to flow onto the access road surface, but shall be collected and diverted to discharge to a soak pit within the site.

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

(7) Any external lighting shall be properly cowled and directed away from the public roadway, and shall also not be visible from any point more than 100 metres away from the light.

Reason: In the interests of traffic safety and to control light pollution in the rural environment.

(8) Existing mature trees along the site boundaries shall be retained. The site shall be landscaped with suitable indigenous trees, shrubs and hedges to the satisfaction of the Planning Authority in general accordance with the Landscaping Layout Map received on 05/09/2012.

All landscaping and screening shall be carried out within the first growing season following occupation of the dwelling house.

Reason: In order to integrate the development into its setting and in the interests of biodiversity and the proper planning and sustainable development of the area

(9) Prior to the re-commencement of works on the site, the developer shall pay a contribution of **€11,362** to Kerry County Council (Planning Authority) in respect of public sewerage infrastructure and facilities benefiting the development.

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

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

We the undersigned:

Liam Brosnan
Pp S.E.O. Planning

Michael J. Lynch
Senior Executive Engineer

9th November, 2012."

Cllr. R. Beasley PROPOSED, in accordance with the provisions of Section 34(6) of the Planning and Development Act 2000, as amended by Section 23 of the Planning and Development Act 2010, that we the Members of Kerry County Council hereby resolve to grant permission to (Name withheld for data protection purposes, a paper copy of the unedited minutes is available on request) to retain and complete existing dwelling house and garage as constructed on site complete with all ancillary site works associated with same at Ardfert, Co. Kerry in accordance with plans submitted on Planning Register No. 11/949 which development would materially contravene the objectives of the Kerry County Development Plan 2009-2015 and the Ardfert Local Area Plan, which is part of the Tralee/Killarney Hub Settlements Local Area Plan 2006 – 2012, in which plan the subject site is zoned for Amenity use.

Cllr. P. McCarthy SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Culloty, Donovan, Finucane, Fitzgerald, Foley, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistram, Moynihan-Cronin, O'Connell, Purtill, Sheahan, O'Brien **(21)**

Against: None **(0)**

Note Voting: None **(0)**

The Mayor declared the resolution CARRIED.

Cllr. Ferris then returned to the meeting.

12.11.19.04 Material Contravention of the Kerry County Development Plan

Cllr. B. O'Connell declared in accordance with Section 177 of the Local Government Act 2001 he was related to the applicant in Item 4 and he would leave the meeting while this item was being considered.

Cllr. O'Connell then left the meeting.

The following report was circulated to members in advance of the meeting. Mr. McMahon, Director of Planning briefed the meeting in detail on the report.

Development Description

To construct (1) a single-storey restaurant unit with a drive through facility, (2) a two-storey commercial unit with retail on ground floor and offices at first floor, (3) car parking and all associated site works at Rathass, Tralee.

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

Note: Three submissions in relation to the proposed development have been received.

The attached report and recommendations, dated 12th November, 2012, has been prepared to facilitate your consideration of this matter.

In accordance with the terms of this report and recommendation, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area, is in compliance with Ministerial Guidelines and in accordance with the Regional Planning Guidelines, and **a grant of permission is, therefore, recommended, subject to the conditions listed therein (16 no.)**

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

Date: 9th November, 2012.

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act, 2010 in relation to application for planning permission to (1) Construct a single-storey restaurant unit with a drive through facility, (2) A two-storey commercial unit with retail on ground floor and offices at first floor, (3) Car parking and all associated site works at Rathass, Tralee

Planning Register No. 12/403

Name of Applicant: (Name withheld for data protection purposes, a paper copy of the unedited minutes is available on request)

Address of Applicant: (Address withheld for data protection purposes, a paper copy of the unedited minutes is available on request)

Agent: Malachy Walsh and Partners, Consulting Engineers, Reen Point, Blennerville, Tralee.

Date application lodged: 08/06/2012

Date further information received: 05/09/2012

Material Contravention Procedure initiated with publication of prescribed notice in Irish Examiner newspaper on 27/09/2012.

Decision due date: 21/11/2012

Proposal

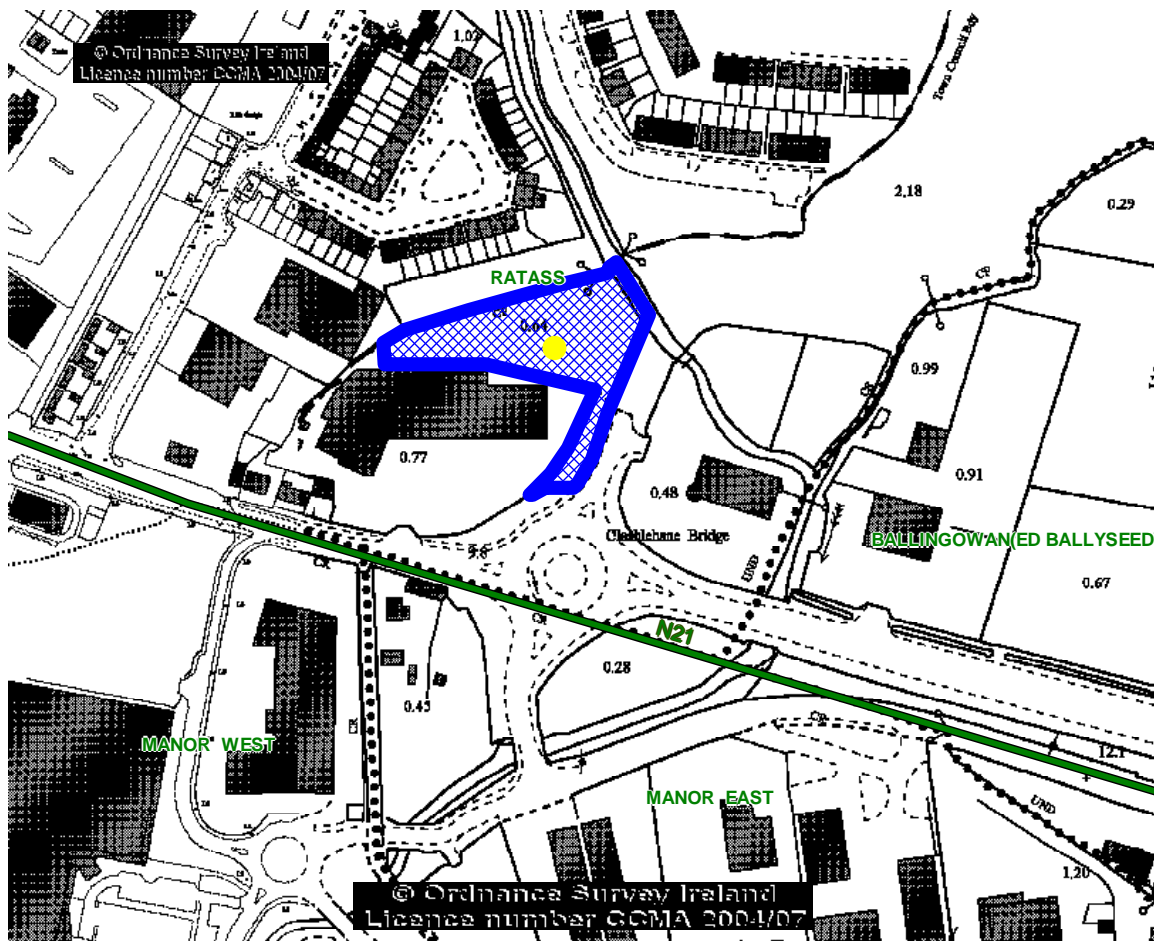
Commercial development comprising:

- (1) Construct a single-storey structure comprising a restaurant with drive through facility. The structure is designed to be extended to a two-storey structure.
- (2) Construct a two-storey structure with retail on ground floor and offices on the first floor. This structure is designed to be extended to a three-storey structure.
- (3) Site development works including car parking, pumped connection to public foul sewer and surface water drainage with petrol interceptor and attenuation.

Site Location Maps

The site is located in the eastern outskirts of Tralee to the north of Clashlehan Roundabout on the N21 National Primary Road.





Description of Site and Surroundings

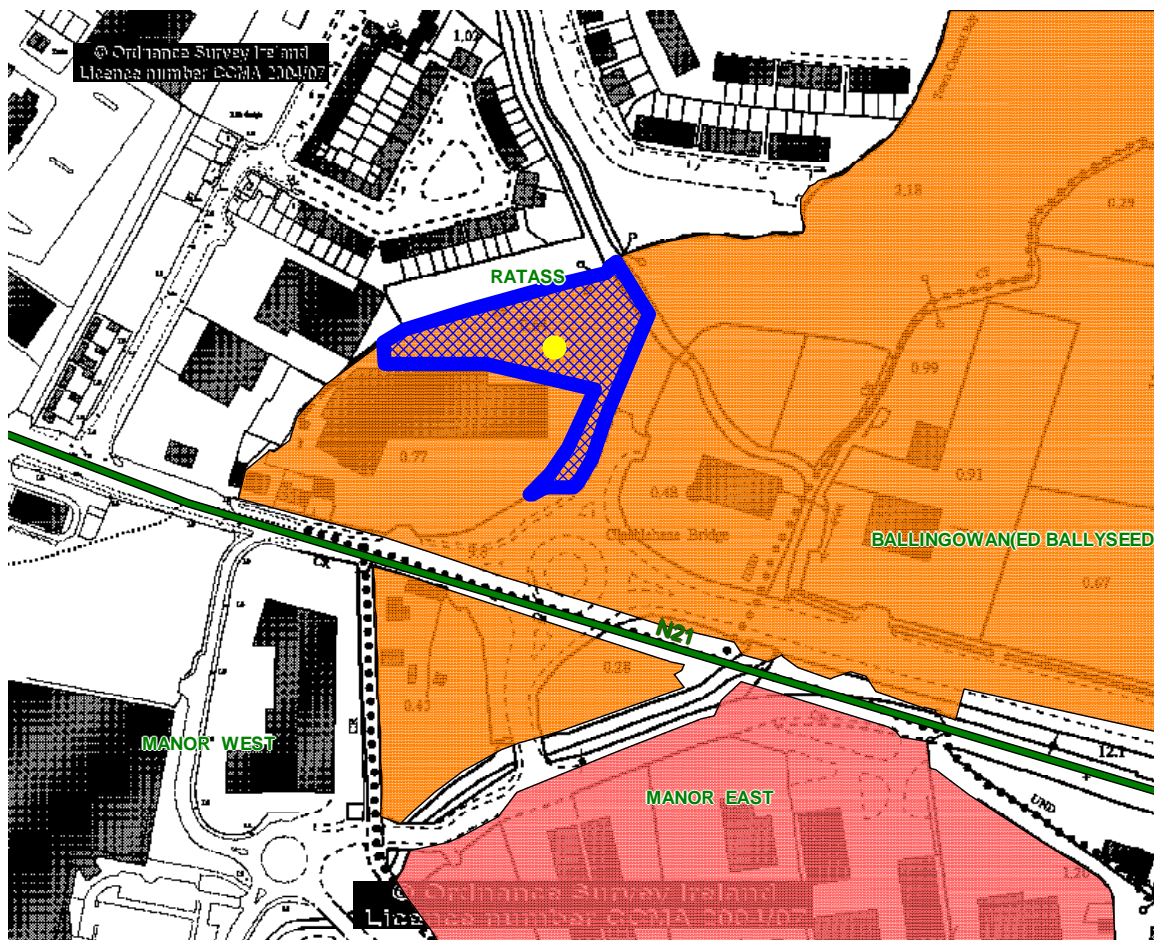
The site consists of a wedge-shaped piece of undeveloped land (area 0.406 ha) to the north of the N21 National Primary Road on the eastern side of Tralee. The site connects to the Clashleane Roundabout on the N21 via a spur road which currently serves Adams Car Garage to the east of the site. There are existing retail developments, both Comparison and Convenience, on adjoining lands to the south and west of the application site. A stream runs along the north-eastern boundary of the site while there are housing developments further to the north.

The Tralee Town Council administrative boundary runs along the northern boundary of the application site.

Pre-Planning Consultation

Several meetings were held between the applicant, his agents and the Planning Dept over a period of about 2 years.

Zoning and Designations



The site is located in an area zoned Mixed Use Zone 1 in the Tralee and Killarney Environs Local Area Plan 2007-2013 (LAP).

The following is an extract from the LAP regarding Mixed Use Zone 1.

Character Area 1 – Rathass and Manor East Mixed Use Zone

In recent years a pattern of urban development has taken place in some towns and cities, and specifically in their suburbs along strategic transport routes which facilitates higher density commercial developments and businesses. This largely reflects the significant shift in our economy towards the services sector – no longer do some businesses require the space provided in traditional campus styled business parks in which to operate and possibly expand. The aim of the mixed use zone is to allow a higher density of Business Park to develop, but which also caters for a range of other uses and supporting activities that might be required of the new young executive and professional worker – namely choice of restaurants, cafes, health, fitness and leisure centres; hotels and even local shopping. As building standards increase (having regard to noise, insulation, fire safety, emissions, etc.) the traditional planning need to segregate uses is not required and many uses can sit comfortably and compatibly together. This is the aim of the new proposed mixed use zone in Rathass/Manor East.

The vision for the area is to create a strong 'urban entrance' into Tralee from the principal approach road from the east. This strong urban form will be provided through higher buildings in the range of typically 5-6 storeys high, though higher buildings will be permitted subject to good quality architectural design. Key landmark buildings will be encouraged along the main approach road. A strong urban block structure will be encouraged – namely, perimeter buildings creating a strong edge to the new street network. This should allow for pedestrian plazas in the interior of some of the business blocks, in addition to some car parking. Ideally, some car parking would be provided underground or in multi-storey car parks though this may be hard to justify economically at the present time (this should be considered in terms of the location and potential future development of multi-storey car parks on interim surface car parks over time). The mix of uses will be closely monitored to ensure that there is no displacement of activity from the town centre to the area or that the area does not exert a negative impact on the town centres vitality and continued regeneration. Retail uses in the area would be limited to a scale and intensity that would support the local business and residential community in the area – and will not be open to retail warehousing, or large scale supermarkets. In general, retail units of circa 100-150 square metres would be the norm.

With particular reference to the uses proposed under the current planning application, the Land Use Zoning Matrix in Appendix D of the LAP sets out the following in relation to lands zoned Mixed Use Zone 1:

Restaurant – Use Open for Consideration

Drive-through restaurant – Use Not Normally Permitted

Office – Use Permitted in Principle

Shop (comparison) - Use Open for Consideration

Shop (convenience) - Use Open for Consideration

Relevant Planning History

Planning Register No. 07/4258 – Planning permission was granted to Manor House Manor East Ltd on a larger site for the following:

Construct a new commercial development at Rathass, Tralee, Co. Kerry. The proposed development shall comprise a six storey element fronting the site to the East side with a four-storey glazed link. Proposed accommodation shall comprise retail at ground floor level with office accommodation at all levels above. The proposed works shall also comprise the provision of a single-level underground car-park with ramped access aligned along the northern boundary, ESB sub-station, extension to the existing northern exit road from the Rathass roundabout, site entrance, ground level car parking and associated site works

Note: A concurrent permission was granted by Tralee Town Council as part of the application site was within the Tralee Town Council area, ref 07/7577.

Reports

- (1) Kerry County Council (KCC) Water Services – received on 03/07/2012
Request for further information (FI) recommended in relation to location of proposed sewage pumping station, route of proposed rising main to public sewer and location and details of grease trap to serve proposed restaurant.

- (2) KCC Water Services – received on 02/10/2012 (after FI submitted)
Conditions recommended to be attached to any grant of permission
- (3) KCC National Roads Design Office – received on 04/07/2012
The proposed development will access an improved section of the N21 through a roundabout junction. No observations to make in relation to the proposed development in so far as it relates to the proposed N21/N69 Tralee Bypass Road Improvement Scheme.
- (4) KCC Building Control – received on 09/07/2012
Requirement to obtain a Disability Access Certificate and a Fire Safety Certificate applies.
- (5) HSE – received on 29/06/2012
Observations made in relation to food safety measures for drive-through restaurant.

Submissions/Observations

- (1) National Roads Authority (NRA) – received on 13/07/2012
NRA will rely on Planning Authority to abide by official national policy in relation to frontage development on/affecting national roads subject to (a) the NRA will entertain no future claims in respect of impacts (eg noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning and (b) the proposed development should not become operational until after the completion of the Tralee Bypass at which time the adjacent public road will no longer be a national road.
- (2) NRA – received on 04/10/2012
Same submission as received on 13/07/2012.
- (3) Inland Fisheries Ireland (IFI) – received on 19/10/2012
Further information request regarding river and river bank treatment. Any works which may impact on Clashlehan River must be detailed and agreed with IFI.

Sub-threshold Environmental Impact Assessment (EIA) Screening Exercise

Step one: Environmental Topics that may be harmed.

- Human beings and Material Assets – no negative impacts anticipated
- Road Safety / Traffic– no negative impacts anticipated
- Ecology (flora & fauna) – no negative impacts anticipated
- Soil– no negative impacts anticipated
- Water– no negative impacts anticipated
- Air, Climatic factors, Noise and Vibration– no negative impacts anticipated
- Landscape including Architectural Heritage and Streetscape– no negative impacts anticipated
- Archaeological and Cultural Heritage– no negative impacts anticipated

1. Characteristics of development	
Size	Small scale development – approx 0.4 ha.
Accumulative impacts with other developments / projects	<p>It is noted that there are a number of existing and proposed urban type developments in the area.</p> <p>Potential for permanent cumulative impacts in relation to visual impact, water quality and road safety.</p>
Use of natural resources	Soil overburden to be removed from part of site.
The production of wastes	<p>No large-scale wastes will be generated.</p> <p>Proposed development to be connected to public foul sewer.</p>
Pollution and nuisances	<ul style="list-style-type: none"> • No significant nuisances anticipated • Slight risk of small scale spillage of oils / hydrocarbons during construction phase. • Slight to moderate risk of small scale sediment loss at construction stage to adjoining watercourse. <p>The above risks are not considered to be difficult to avoid or reduce and are not overly complex.</p>
The risk of accidents having regard to substances or technologies used	No hazardous activity on site posing a significant risk to a habitat or human environment.
2. Location of Proposed Development	
Existing land use	Unused land
Previous land use	Agriculture
Relative abundance, quality and regenerative capacity of natural resources in the area	<p>Small scale soil overburden to be removed - regenerative capacity minimal.</p> <p>Area affected not considered to be significant within the context of the relative abundance of these resources in the area.</p>

<p>The existing environment and absorption capacity of the natural environment, paying particular attention to the following areas:</p> <ul style="list-style-type: none"> ○ Wetlands ○ Coastal zones ○ Mountain and forest areas ○ Nature reserves and parks ○ Natura 2000 sites ○ Areas in which environmental quality standards laid down by the EU have already been exceeded ○ Densely populated areas ○ Landscape of historical, cultural or archaeological significance 	<p>This proposed project is a small-scale development consistent in character with existing development in the area.</p> <p>The site is located at the edge of the town and the area has the ability to absorb a certain amount of further development of this nature.</p> <p>A number of environmentally sensitive sites are located in the wider area, including Natura 2000 sites, wetlands, lands designated for landscape and archaeological purposes and mountain / forest areas. It is considered that these are unlikely to be significantly affected by way of a proposal of this nature at this location.</p> <p>It should be noted that a separate AA Screening Report was prepared in relation to this proposal.</p>
<p>3. Characteristics of Potential Impacts</p> <p>The potential significant effects of the proposed development in relation to the criteria set out in 1 & 2 above and having particular regard to:</p>	
Extent of the Impact (geographical area and size of affected population)	Generally limited to the development site itself and its immediate vicinity.
Transfrontier nature of the impact	None.
Magnitude and complexity of the impact	<p>Main impacts include potential for traffic impacts and potential for pollution events to downstream watercourses.</p> <p>It is not anticipated that many people will be adversely affected by the proposal. The magnitude of impacts is not considered to be overly great or complex.</p>
Probability of the impact	Low to moderate. No significant impacts anticipated.

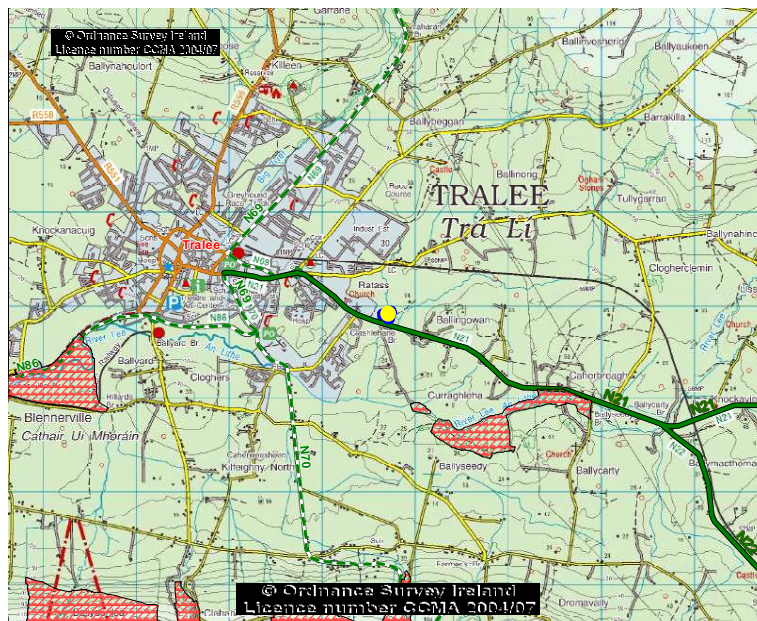
Duration, frequency and reversibility of the Impact	<p>Construction risks (hydrocarbon spillages, sediment loss etc) and nuisances (noise etc) are likely to be temporary in nature.</p> <p>More long term impacts will be associated with the permanent and operational aspects of the project (traffic impact, water quality impacts etc). No significant impacts anticipated.</p>
4. Recommendation and conclusion	
Having regard to the above and in particular to the nature, scale and location of the proposed project, It is considered that an EIA is not required in this instance.	

Appropriate Assessment Screening Report

Planning Reference Number:	12/403
Description of the proposed development (including a brief outline of its nature and size):	(1) Construct a single-storey restaurant unit with a drive through facility, (2) A two-storey commercial unit with retail on ground floor and offices at first floor, (3) Car parking and all associated site works
Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site	No.

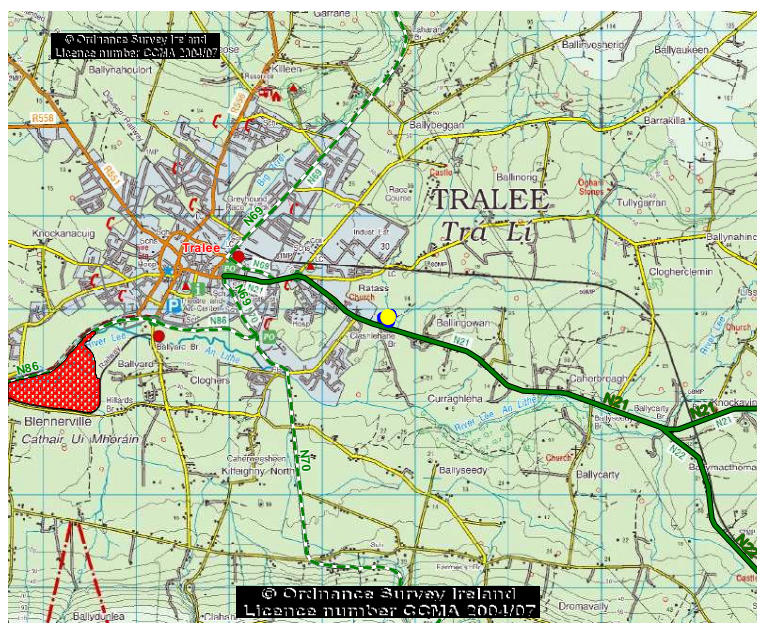
1. Proposed development site location relative to that of Natura 2000 Sites

The nearest SACs to the site are as follows:
Ballyseedy Wood SAC is 1km to the south-east, Tralee Bay and Magharees Peninsula to Cloghane SAC is 3.0km to the west and Slieve Mish Mountains SAC is 2.7km to the south.



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

The nearest SPA to the site is the Tralee Bay Complex SPA which is 3km to the west



2. Specialist reports, advice and recommendations received (if any)	
Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate)	None

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

Potential significance indicators include:	
<ul style="list-style-type: none"> Reduction / erosion / fragmentation of key habitat(s) 	Not likely
<ul style="list-style-type: none"> Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance) 	Not likely
<ul style="list-style-type: none"> Alteration of key environmental conditions (e.g. water quality, water supply, air quality) 	Not likely
<ul style="list-style-type: none"> Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites 	Not likely
<ul style="list-style-type: none"> Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites 	Not likely
<ul style="list-style-type: none"> Interference with the movement of mobile dune and intertidal Natura 2000 habitats 	Not likely
<ul style="list-style-type: none"> Other potential impacts 	Not Likely
<ul style="list-style-type: none"> Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects 	Not Likely

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

Assessment

1. Traffic: Development is proposed to connect to Clashleahane Roundabout on the N21 National Primary Road via an existing spur road. Traffic Impact Assessment submitted with the application concludes that the proposed development would not cause significant traffic impact. Submission received from National Roads Authority recommends that a condition should be imposed requiring that the proposed development should not become operational until after the completion of the N22 Tralee Bypass at which time the adjacent public road will no longer be a national road. This condition will not be problematic as the Tralee Bypass is scheduled to be completed in Spring 2013.
2. Effluent disposal: The development is proposed to be connected to public foul sewer within a housing estate to the north of the site. In order to access the existing housing estate sewer, a connection will be required to be laid outside the current application site in an area within the administrative boundary of Tralee Town Council (TTC). Prior to commencement of development, the developer will need to receive planning permission from TTC for this connection.

3. Surface water disposal: It is proposed to discharge surface water from the developed site to the stream adjoining the site. It is proposed to treat all run-off from site road and car park in a petrol interceptor prior to discharge. In addition, stormwater attenuation is designed in order to control the discharge of surface water from the developed site to a level not exceeding the current discharge from the undeveloped site. The planning application was referred to Inland Fisheries Ireland (IFI) when the application was submitted and after further information requested by KCC was received but no submissions were made. However, a submission was received from IFI following publication of Material Contravention notice which sets out further information to be sought and points to be taken into consideration in order to protect the Clashleahane Stream which adjoins the site. The further information cannot be requested as the IFI submission was received too late for such a request to be issued. A planning condition will be recommended to address the points raised.
4. Residential amenity: It is considered that the design and layout of the proposed development would not impact on the residential amenities of the existing housing to the north.
5. Visual impact: It is considered that the design and siting of the proposed structures are appropriate to the location of the site and that they would integrate with existing developments in the vicinity.
6. Planning History: The most relevant previous planning application relating to these lands resulted in the granting of planning permission on a larger site by Kerry County Council and Tralee Town Council for a much more extensive mixed use development, 4 – 6 storeys high with underground car park, comprising retail and office uses. These grants of permission have not been implemented due to the economic downturn. The current more modest proposal, single and two storey with surface car parking, involves similar uses and is designed to facilitate future expansion to two and three-storey.
7. Submissions: Submissions from NRA and IFI assessed above.
8. Ministerial Guidelines: It is considered that the proposed development would not contravene Ministerial Guidelines under Section 28 of the Planning and Development Act.
9. Regional Planning Guidelines: It is considered that the proposed development would not contravene Regional Planning Guidelines.
10. Zoning: The application site is located in an area zoned Mixed Use Zone 1 in the Tralee and Killarney Environs Local Area Plan 2007-2013. The Zoning Matrix specifies that Drive-through restaurant constitutes a Use Not Normally Permitted on such zoned lands. The following points are noted.
 - (a) The proposed Drive-through restaurant would be part of a larger restaurant and would not be a 'stand alone' facility.
 - (b) The office, convenience retail and restaurant uses proposed for the site would be compatible with existing uses in the vicinity.

- (c) It is considered that the scale of the current proposal would be more sustainable than the development permitted under Planning Register No 07/4258.
11. Development Contributions: Total floor area of development is 611 sq m divided between Unit A Restaurant with Drive-through 380sqm and Unit B Retail and Office 231sqm.
- (a) Water and Sewerage: 611 sq m @ EUR 27.75/sqm = EUR 16,955.25
- (b) Tralee Ring Roads Project: 611 sq m @ EUR 29.31/sq m = EUR 17,908.41
- (c) Amenity: Restaurant 380sq m @ EUR 8.60/sq m + Retail and Office 231sq m @ EUR 4.28/sq m = EUR 4,256.68

Recommendation

Grant permission subject to the following conditions:

FIRST SCHEDULE

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

SECOND SCHEDULE

- (1) The development shall be constructed entirely in accordance with the plans and particulars received by the Planning Authority on 08/06/2012 and 05/09/2012 except for any alterations or modifications specified in this decision.

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

- (2) Prior to the commencement of works on the site, the developer shall pay a contribution of **€16,955.25** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development.

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

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

(3) Prior to the commencement of works on the site, the developer shall pay a contribution of **€17,908.41** to Kerry County Council (Planning Authority) in respect of Tralee Ring Roads Project benefiting the development.

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

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

(4) Prior to the commencement of works on the site, the developer shall pay a contribution of **€4,256.68** to Kerry County Council (Planning Authority) in respect of amenity infrastructure and facilities benefiting the development.

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

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

(5) All site development works and services shall be carried out in accordance with the Department of the Environment publication 'Recommendations for Site Development Works for Housing Areas.'

Reason: In the interests of orderly development.

(6) (a) The management and maintenance of the proposed development following its completion shall be the function and responsibility of a properly constituted management company.

(b) Prior to the commencement of any development on this site, the developer shall enter into an agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 to deal with the ongoing management and maintenance of the development including responsibility for maintenance of roads and footpaths, water supply, storm and foul drainage, public lighting, electrical, telephone and other underground services and public open spaces.

(c) The Section 47 agreement shall provide for the establishment of a management company whose legal status shall be proven to be adequate to provide for the ongoing management and maintenance in perpetuity of the facilities within the development.

Reason: In the interest of orderly development and to provide for the ongoing management and maintenance of the proposed development.

(7) (a) **Prior to the occupation of the development** all site development works shall be substantially completed in accordance with the conditions attached to this decision in order to ensure an adequate means of access and the provision of all services to facilitate the development.

(b) On completion of the development, the developer shall submit a certificate from an approved person stating that all the works carried out to-date on the development are in accordance with:

- The 'Recommendations for Site Development Works for Housing Areas' as issued by the Dept. of the Environment and Local Government
- Any other condition which may have been imposed as a condition of planning.

(c) On completion of the works the developer shall submit a set of as-constructed drawings indicating the on-site position of all structures and services. These drawings shall include the location of all sewers, watermains, ESB and Telecom ducting.

Details of all pipes sizes, inverts, manholes, cover levels, hydrants and stopcock locations as well as records of all pipe tests shall be included as a minimum.

Reason: In the interest of orderly development

(8) (a) Adequate sight distances shall be provided and maintained at the entrance to the site in accordance with the Site Layout Map received on 08/06/2012.

(b) Formation of the entrance to the site shall not cause surface water or seepage water to flow onto the public road surface.

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

(9) The proposed development shall not become operational until after completion of the Tralee Bypass.

Reason: To prevent traffic congestion

(10) All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

(11) Under no circumstances shall the applicant\developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening licence.

Reason: In order to protect public property.

(12) Site construction working hours shall be confined to between 0730 hours and 1900 hours on Monday to Friday and 0800 hours to 1830 hours on Saturdays. No on-site works shall be permitted on Sundays or Public Holidays without the prior written agreement of the planning authority.

Reason: In the interest of protecting residential amenity.

- (13) (a) Prior to commencement of development, the developer shall obtain planning permission from Tralee Town Council for the laying of foul sewer connection from the application site to public foul sewerage system
(b) No surface water shall be permitted to flow into the public foul sewerage system.

Reason: In the interests of public health and orderly development.

- (14) (a) The development shall be connected to the public water supply network. Prior to commencement of development, the location of all valves and meters shall be agreed with Water Services Dept, Kerry County Council.
(b) An adequate number of fire hydrants shall be installed to the satisfaction of the Fire Dept, Kerry County Council

Reason: In the interest of public health

(15) Surface water from the site shall be treated in a suitably designed and maintained hydrocarbon interceptor and attenuation system prior to discharge in accordance with details received on 08/06/2012 and 05/09/2012. A Method Statement, including works programme, for all works adjacent to and affecting the Clashleane Stream shall be agreed with Inland Fisheries Ireland prior to commencement of development.

Reason: To prevent flooding and pollution

(16) The site shall be landscaped with suitable indigenous trees, shrubs and hedges to the satisfaction of the Planning Authority in general accordance with the Landscaping Layout Map received on 08/06/2012.

All landscaping and screening shall be carried out within the first growing season following occupation of the development.

Reason: In order to integrate the development into its setting and in the interests of biodiversity and the proper planning and sustainable development of the area.

We the undersigned:

Liam Brosnan
Pp/ S.E.O. Planning

Michael J. Lynch
Senior Executive Engineer

Date: 12th November, 2012.

Cllr. J. Finucane PROPOSED in accordance with the provisions of Section 34(6) of the Planning and Development Act 2000, as amended by Section 23 of the Planning and Development Act 2010, that we the Members of Kerry County Council hereby resolve to grant permission to (Name withheld for data protection purposes, a paper copy of the unedited minutes is available on request) to construct a single storey restaurant unit with a drive through facility, a two storey commercial unit with retail at ground floor and offices at first floor and car parking and all associated site works at Rathass, Tralee, Co. Kerry in accordance with plans submitted on Planning Register No. 12/403 which development would materially contravene the objectives of the Kerry County Development Plan 2009 – 2015 and the Tralee and Killarney Environs Local Area Plans 2007, in which plan the subject site is zoned for Mixed Use Zone 1.

Cllr. N. Foley SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, Moynihan-Cronin, Purtill, Sheahan, O'Brien **(21)**

Against: None **(0)**

Note Voting: None **(0)**

The Mayor declared the resolution CARRIED.

Cllr. O'Connell then returned to the meeting.

12.11.19.05 Extinguishment of Public Rights-of Way – N86 Annascaul to Gortbreagoge Road Improvement Scheme

Mr. C. O'Sullivan referred members to his report dated 8th November, 2012 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Gleeson it was unanimously agreed to extinguish the Public Rights-of-Way in the townlands of Ballintermon, Farranalickeen, Ballynane, Glantane and Gortbreagoge as part of the N86 Annascaul to Gortbreagoge Road Improvement Scheme, in accordance with Section 73 of the Roads Act, 1993 and the report circulated.

Removal of proposed cycle lanes from the N86

Cllr. S. Fitzgerald referred to recent correspondence from An Bord Pleanála in relation to proposals for the N86 and in particular their request to have the cycle lanes removed. He understood it is national policy to include cycle lanes in new projects and he asked if the Inspector was within his rights to request this.

Mr. C. O'Sullivan, Director of Roads said the Board delayed making the Order to revert to the Council to express their concerns at the overall width of the road. They asked that we would consider using part of the Dingle Way and we are seeking legal advice and also advice from the NRA. It is an objective that cycle lanes would be provided in new schemes. There are concerns in relation to having the cycle lanes on the Dingle Way and this is being reviewed at present. We will respond to the Board in due course. However his concern is if the Board rejects the scheme it will not be funded for the next 15 to 20 years. He added that a similar scheme was approved in Donegal. The N86 is not adequate for the existing volumes of traffic and he would work with the NRA to make a strong submission to the Board with a view to getting the Scheme approved.

Cllr. S. Fitzgerald pointed out that a lot of the Dingle Way is on private property and it is only with the good will of the land owners that walkers are permitted to use it. He understood the Council did not have the power to acquire land for a cycle lane away from the road.

Mr. O'Sullivan said the NRA's remit is national primary and national secondary roads. Some of the Dingle Way is on regional roads and would not be suitable.

12.11.19.06 Approval for the incurring of overdraft accommodation

Ms. A. McAllen referred members to her report dated 8th November, 2012 on this item which was circulated. She briefed them in detail on the report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin it was agreed to approve the incurring of overdraft accommodation not exceeding €10m for the 12 months ending 31 December, 2013.

12.11.19.07 Disposal of Property – Land Aggregation Scheme

Mr. J. Breen referred members to his report dated 9th November, 2012 on this item which was circulated. He briefed them on the report as follows. Earlier this year members discussed the need to transfer lands to the Housing Agency as loans mature to ensure the Revenue Budget of Kerry County Council will not have to carry the interest on these loans. At that time Council agreed that 6 portions of land would be forwarded to the Department of Environment, Community and Local Government for inclusion in the Land Aggregation Scheme. An application was made to the Department in accordance with this decision of Council.

It is now necessary to formally pass the resolutions in accordance with Section 183 of the Local Government Act 2001 to allow for the transfer of the lands. In accordance with Circular Letter Housing 24/2012 the lands will be transferred to the Housing Agency while the Local Authority continues to hold the loan on the lands. The funds to pay the loan to the Housing Finance Agency will then be provided to the Local Authority by the Department. The loans in relation to lands mentioned in Items 7, 8, 9, 10, 11 and 12 constitute the first land holdings on which loans have matured and thus must be repaid. Further loans will mature during 2013 and relevant requests for their transfer will be brought to Council at the appropriate time. The map in relation to Kenmare has been amended to retain the road frontage for a Fire Station. Also in Ballyferriter land is retained to facilitate community groups.

Cllr. D. Healy-Rae said he would not be voting in favour of the disposal of these lands. At a recent Area Meeting members were informed that the Long Term Leasing Initiative would be reviewed as 82 properties were inspected but just 2 properties were acquired under the Scheme. He PROPOSED that the Council would have first option on the lands in Kenmare, Sneem and Waterville. He appreciated that land was retained in Kenmare for a Fire Station and possibly a few houses. However the remainder of that land would be very suitable for housing. This also applied to the land in Sneem. He accepted there are a lot of vacant houses in Sneem but he asked who would bring them up to an acceptable standard to allow them to qualify for RAS or the Long Term Leasing Initiative.

Cllr. J. Healy-Rae **SECONDED** this proposal and said when this item was discussed previously he made the same proposal. He asked was it referred to the Department and did they reply. He expressed concern that these lands will be sold and the local authority will need the lands in the future. At the very least the Government should give the local authority first option to purchase the land prior to disposing of it.

Cllr. T. Ferris asked if the title to the property would be transferred yet the loans retained. She stated that with NAMA when dealing with developers they are taking property and the loans whereas the terms of the Scheme for the local authority provide that the land is transferred yet the loans are retained. She was concerned that the land would be sold off in a few years to developers at a much lower price and the local authority will still be left with the loans. It is possible, in time, the Department may only fund a percentage of the loan repayments each year and that would leave the local authority in a very difficult position. She had no difficulty with the Land Aggregation Scheme where the land is no longer required. The transferring of land without transferring the debt would be irresponsible. She called on Management to revert to Government stating that this proposal is unfair on the rate payers of the county and if they are taking over the asset they must also take over the loan.

Cllr. M. Cahill said the benefits of the Land Aggregation Scheme should be fully explained to members. He was aware there is a housing crisis in Kerry with almost 5,000 qualified applicants on the waiting list. He was concerned at the slow progress on the Long Term Leasing Initiative. At Planning Meetings members were reminded of the number of vacant houses in the county. NAMA identified 4,000 properties that are suitable for social housing leasing 90 of which are in Kerry. He asked if these have been investigated. In conclusion he said the Council must be more pro-active in acquiring properties under the RAS and Long Term Leasing Initiative.

Cllr. J. Finucane asked the Director of Housing to outline the savings that will be achieved by transferring these properties under the Land Aggregation Scheme. If members do not agree to transfer the lands the rate payers of the county will be penalised. This Scheme allows the Council to avail of assistance in the funding of the loans which would otherwise be a huge burden. If members do not agree to transfer the land expenditure will have to be curtailed or the rate payers will be expected to pay more. He believed the Council would be offered an opportunity to buy this land back in time. Once the land is transferred the loans will be paid by the State. He would support the Section 183's as he did not want to burden the rate payers of the county further.

Cllr. P. McCarthy said the Land Aggregation Scheme is an opportunity for local authorities to reduce their financial burden. While he had some issues with the Scheme the alternative is to put a further burden on rate payers and they are already finding it very difficult to remain in business.

Cllr. B. Moynihan Cronin called on Mr. Breen to outline the cost to the Council if members do not approve the Section 183's.

Cllr. J. Brassil said he understood it is proposed to transfer lands to the Housing Agency while we still hold the loans. He believed we will have a say in what happens the land in the future. While there is a housing crisis we have enough houses in the county to deal with it but the challenge will be to match unoccupied houses with the various schemes to facilitate those on the housing waiting list.

Cllr. S. Fitzgerald said this issue was debated at length earlier this year and if the lands are transferred it will result in a big saving. He had no difficulty transferring the two plots in West Kerry. The rate payers in Dingle are furious to be paying rates to support the loans on this land where they believe planning will never be granted. He welcomed the retention of some land in Ballyferriter to facilitate community groups. In conclusion he said he would support the transfer of the lands to the Housing Agency.

Cllr. N. Foley agreed that Kerry County Council should have first option on these lands in the future. She asked if the Department had indicated that this would happen. Members have a very difficult decision to make and they must consider the best interests of the rate payers. It would be more acceptable if the Council was allowed to hold onto the deeds and the Government provided the cost of the loan repayments. If the land is not transferred the rate payers will have to pay more. She agreed there is no guarantee the Government will continue to fund these loans into the future.

Cllr. B. O'Connell said it would be irresponsible of members not to agree to transfer the land to the Housing Agency. This Scheme provides the local authority with an opportunity to have the loans paid by the Department. In fairness to rate payers and those that paid the Household Charge members should support the transfer of these lands.

Cllr. J. Healy-Rae said there is no guarantee these loans will continue to be paid by the Government yet the land will be gone. He was very concerned that this could be the case. When this issue was last discussed he asked that the Council would be given first option on these lands and he asked if a reply was received from the Department.

Cllr. P. Connor-Scarteen said members must agree to transfer these lands for the sake of the rate payers of the county.

Mr. J. Breen, Director of Housing said the Long Term Leasing Initiative is not advancing as quickly as we would like. Officials from the Housing Department met with the CIF, the Banks etc. in an effort to resolve outstanding difficulties. He made no apologies for not accepting houses that do not comply with planning. Over the past four years 670 people were accommodated under the RAS Scheme and it is hoped to accommodate 140 – 160 families under this Scheme each year. He referred to the proposal that the Council would have first option on the land and quoted from Circular Letter 24/2012 as follows: *“Once the land transfer has been finalised, HSC – Housing Agency will notify the Department and will, in consultation with the local authority and other interested bodies, prepare and implement a strategy for the utilisation and ultimate use of the land in question”*. In relation to the payment of the loan the Circular states *“Where land has been approved for inclusion in the Scheme and the transfer of that land to HSC – Housing Agency has been completed; the local authority may recoup any payments made on the mortgage after the date of transfer completion”*. In relation to future use the Circular states *“Prior to advancing any new projects local authorities should seek confirmation from HSC – Housing Agency of all suitable lands in the area that are available for development. Following this confirmation from HSC – Housing Agency local authorities may, subject to approval under SHIP, seek to develop projects for social housing on land in HSC – Housing Agency ownership.”* In conclusion Mr. Breen said anyone who has properly constructed houses and is interested in the Long Term Leasing Initiative should contact the Housing Department.

Cllr. D. Healy-Rae said an applicant must be on rent allowance for 18 months to qualify for RAS. He called on members and management not to transfer the land and to be left with the loans.

Cllr. J. Brassil said the criteria that an applicant must be on rent allowance for 18 months to qualify for RAS is a genuine concern but it is a separate issue.

Cllr. T. Ferris asked if it is proposed to transfer the land and to retain the loans.

Mr. J. Breen confirmed that the Scheme provides for this. He outlined his concerns regarding the retention of the loans to the Department and he was advised that those are the terms of the Scheme.

Cllr. S. Fitzgerald PROPOSED that the Council would agree to dispose of a plot of land measuring 0.802 hectares approximately in total, situated in the townland of Baile an Fheirtéaraigh, in the DED of Dunurlin to the Housing Agency, Cumberland House, Fenian Street, Dublin 2 in accordance with the terms of the notice issued on 9th November 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001 and in accordance with the terms of Circular Housing 24/2012.

Cllr. J. Finucane SECONDED this proposal.

A vote was taken which resulted as follows:

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

Against: Cllrs. Beasley, Ferris, D. Healy-Rae, J. Healy-Rae, O'Donoghue **(5)**

Not Vote: Cllr. Cronin **(1)**

The Mayor declared the proposal CARRIED.

12.11.19.08 Disposal of Property – Land Aggregation Scheme

Cllr. J. Finucane PROPOSED that the Council would agree to dispose of a plot of land measuring 1.556 hectares approximately in total, situated in the townland of Spunkane, Waterville in the DED of Emlagh, to the Housing Agency, Cumberland House , Fenian Street , Dublin 2 in accordance with the terms of the notice issued on 9th November 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001 and in accordance with the terms of Circular Letter Housing 24/2012.

Cllr. P. McCarthy SECONDED this proposal.

A vote was taken which resulted as follows:

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

Against: Cllrs. Beasley, Cronin, Ferris, D. Healy-Rae, J. Healy-Rae, O'Donoghue **(6)**

The Mayor declared the proposal CARRIED.

12.11.19.09 Disposal of Property – Land Aggregation Scheme

Cllr. P. McCarthy PROPOSED that the Council would agree to dispose of a plot of land measuring 3.338 hectares approximately in total, situated in the townland of Gortamullen, Kenmare, in the DED of Kenmare, to the Housing Agency, Cumberland House , Fenian Street , Dublin 2 in accordance with the terms of the notice issued on 9th November 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001 and in accordance with the terms of Circular Letter Housing 24/2012.

Cllr. J. Finucane SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Culloty, Donovan, Finucane, Fitzgerald, Foley, Griffin, Leahy, McCarthy, McEllistrim, Moynihan-Cronin, O'Connell, Wharton Slattery, O'Brien **(17)**

Against: Cllrs. Beasley, Cronin, Ferris, D. Healy-Rae, J. Healy-Rae, O'Donoghue **(6)**

The Mayor declared the proposal CARRIED.

12.11.19.10 Disposal of Property – Land Aggregation Scheme

Cllr. M. Griffin PROPOSED that the Council agree to dispose of a plot of land measuring 0.453 hectares approximately in total, at Miles Lane, Milltown, in the DED of Milltown to the Housing Agency, Cumberland House , Fenian Street , Dublin 2 in accordance with the terms of the notice issued on 9th November 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001 and in accordance with the terms of Circular Letter Housing 24/2012.

Cllr. J. Finucane SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Culloty, Donovan, Finucane, Fitzgerald, Foley, Griffin, Leahy, McCarthy, McEllistrim, Moynihan-Cronin, O'Connell, Wharton Slattery, O'Brien **(17)**

Against: Cllrs. Beasley, Cronin, Ferris, D. Healy-Rae, J. Healy-Rae, O'Donoghue **(6)**

The Mayor declared the proposal CARRIED.

12.11.19.11 Disposal of Property – Land Aggregation Scheme

Cllr. S. Fitzgerald PROPOSED that the Council agree to dispose of a plot of land measuring 4.068 hectares approximately in total, situated in the townland of An Baile Beag, Daingean Uí Chúis, in the DED of Glin, to the Housing Agency, Cumberland House , Fenian Street , Dublin 2 in accordance with the terms of the notice issued on 9th November 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001 and in accordance with the terms of Circular Housing 24/2012.

Cllr. P. McCarthy SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Buckley, Cahill, Culloty, Donovan, Finucane, Fitzgerald, Foley, Griffin, McCarthy, McEllistrim, Moynihan-Cronin, O'Connell, Wharton Slattery, O'Brien **(14)**

Against: Cllrs. Beasley, Cronin, Ferris, D. Healy-Rae, J. Healy-Rae, O'Donoghue **(6)**

The Mayor declared the proposal CARRIED.

12.11.19.12 Disposal of Property – Land Aggregation Scheme

Cllr. J. Finucane PROPOSED that the Council agree to dispose of a plot of land measuring 1.504 hectares approximately in total, situated in the townland of Inchinaleega West, Sneem, in the DED of Sneem, to the Housing Agency, Cumberland House , Fenian Street , Dublin 2 in accordance with the terms of the notice issued on 9th November 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001 and in accordance with the terms of Circular Letter Housing 24/2012.

Cllr. P. McCarthy SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Buckley, Cahill, Culloty, Donovan, Finucane, Fitzgerald, Foley, Griffin, McCarthy, McEllistrim, Moynihan-Cronin, O'Connell, Wharton Slattery, O'Brien **(14)**

Against: Cllrs. Beasley, Cronin, Ferris, D. Healy-Rae, J. Healy-Rae, O'Donoghue **(6)**

The Mayor declared the proposal CARRIED.

12.11.19.13 Presentation on The Gathering by Mr. J. Griffin, Tourism Officer

Mr. J. Griffin said the original idea for The Gathering came from the Diaspora at the Global Irish Summit at Farmleigh House in 2009. It is a celebration of everything that is unique and great about Ireland. It involves not just tourism but local communities, arts and cultural groups and sporting organisations (GAA) at home and supporters/friends of Ireland abroad. It involves 'Reaching Out' to the extended Irish family abroad – our Diaspora. Over 70 million people all over the world claim Irish Ancestry and more than half are in the United States.

Every Irish County will host Gathering Events and Kerry is pleased to be the first to launch. We are offering a range of activities and events all set against the backdrop of some of the most beautiful scenery imaginable. Kerry has been welcoming visitors for generations and has many iconic attractions including the Lakes of Killarney, Sleah Head Drive, Skellig Michael and the Ring of Kerry. Kerry along with East Galway was the first to embrace The Gathering with a Kerry US launch on Ellis Island, New York on 2nd May. Approx. 78 tour operators attended the launch which was very well received. There was also a Kerry UK launch in London by Mayor Buckley and the County Manager. Community Meetings were held in Tralee, Kenmare and Dingle. The Kerry Gathering Programme includes:

- Family History Events
- Festivals
- Sporting Events
- Tours & Activities
- Tailored Programmes

Kerry has one of the best collections of genealogical data of any county in Ireland. Most of these are available to access online and Kerry based genealogists like Ancestors from Ireland and Munster Ancestors are available to assist in specific searches. The Family History records have been analysed and the most populous Kerry family names identified i.e. O'Sullivan, O'Connor, McCarthy, O'Connell, Brosnan, Moriarty, Fitzgerald and Stack. These families will have specific weeks dedicated to them from May to September including Reunions, Lectures and Tours. Special events are planned for ancestral locations like Derrynane (O'Connell) and Carrigafoyle Castle (O'Connor Kerry).

Kerry has a festival of one kind or another each week and several at the one time, in different locations, during the summer months. Our four high profile festivals – Listowel Writers Week, Killarney Summerfest, Puck Fair and the International Rose of Tralee Festival will feature themed Gathering events. Listowel Writers Week takes place from 29th May to 2nd June 2013 and is Ireland's premier Literary Festival. In 2013 there will be a focus on 'Literature of the Diaspora' and 'Contribution of Irish American Writers to World Literature'.

Killarney Summerfest takes place from 26th July to 4th August, 2013 and is Ireland's largest mid-Summer Festival. In 2013 it will have an expanded programme of entertainment and events which will include an International Busking Competition, Outdoor Music Concerts, Street Entertainment and much more. Also in Killarney there will be The Gathering Traditional Festival from 24th to 26th February, 2013. Puck Fair will be held in Killorglin from 9th to 12th August, 2013. This is Ireland's oldest Festival and in 2013 it will celebrate its 400th anniversary.

The International Rose of Tralee Festival to be held from 15th to 20th August, 2013 is Ireland's largest International Festival and it has been connecting with the global Irish family for over 50 years. It features street entertainment, parades, concerts, gala events, fashion shows, arts & crafts and the highlight each year – the selection of the Rose of Tralee. In 2013 it will have an extended Programme to include a Celebration of Cultures Event, Homecoming Event for past Roses, Escorts, Entertainers, Rose Centres/Supporters.

There will be a West Kerry & Blasket Island Reunion from 23rd to 29th May 2013 which will be a Week of Welcomes, merriment and reminiscences, Food, Language and Culture. St. Brendan's Week will be held from 13th to 19th May 2013 which will celebrate our Patron Saint. It will include a Symposium, Tours, Talks, Walks and Mass in Ardfert Cathedral.

Heros Week 2013 will be held in Tralee from 12th to 17th June, 2013 to salute Emergency Service Personnel of Irish Heritage. The Daniel O'Connell Weekend will be held in Cahersiveen and Derrynane from 6th to 8th September, 2013. This will include an O'Connell Symposium, Exhibition and O'Connell Clan Gathering. Kenmare Lace Festival takes place from 3rd to 6th October, 2013 to celebrate a 150 year tradition of lace making. There will be an exhibition, demonstrations, talks and tours. Kerry International Activity Experience takes place from 28th June to 14th July 2013 and this will include a triathlon, hill walking, greyhound racing and many more activities. Kerry County GAA Board will host an international tournament for overseas clubs at venues around the county.

A full time office, staffed by a Council administrator and four interns, is being established to support local groups and tour operators in their planning and co-ordinate the Kerry Gathering Programme. In addition to specific 'Gathering Events' visitors will be able to select from a menu of 'tours and activities' depending on their particular interests. Funding for The Gathering is being provided by Fáilte Ireland, LEADER, South Kerry Development Partnership, North and East Kerry Development, IRD Duhallow, Údaras na Gaeltachta, Kerry County Council and Irish Public Bodies. Kerry Library in conjunction with other libraries around the country produced a series of post cards which are available at all local libraries. In excess of 120 separate events will be held in Kerry during 2013 and Minister Deenihan will officially launch the Kerry Gathering Programme on Saturday 24 November, 2012 at 2.30pm at Muckross House. In conclusion Mr. Griffin thanked the members for the opportunity to make the presentation.

All members thanked Mr. Griffin for his presentation and said they hoped it would be very successful.

Cllr. D. Healy-Rae said he hoped local communities would benefit from The Gathering. He asked that the Kerry Fleadh Cheoil would be listed as an event. This organisation has a great ability to make contacts abroad. He also asked that the 15th August, which is a traditional day in Kenmare, would be listed as an official event.

Cllr. R. Beasley said he hoped smaller communities and seaside areas would benefit from The Gathering and that they would get support and assistance in organising events.

Cllr. N. Foley said Kerry is the task master for organising successful Festivals. Annually there are many small festivals organised all over the county and she asked that a one day Workshop would be held for these groups to show them how to add a Gathering element to their event to ensure they are not isolated.

In response Mr. Griffin said the Council is working with Fáilte Ireland and the development groups of North and East Kerry and South Kerry Development Partnership on The Gathering and two animators will be employed to help the various groups organise events. A Kerry Programme of Events will be available listing all events to be held in the county. Any queries should be addressed to The Gathering Office. Training Workshops will be held in Killarney on the 28th November and in Tralee on the 29th November.

Cllr. N. Foley called on the media to publish details of these workshops.

Cllr. M. Cahill said this is a great opportunity for communities that never held an event before, or not for many years, to host an event in 2013. It provides an opportunity to show off what is great about Kerry. He asked if there was an update on funding for the larger Festivals i.e. Puck Fair.

Mr. Griffin said an announcement is awaited from Fáilte Ireland and it is expected by the end of the week.

Cllr. Cahill said Puck Fair is the oldest Festival in Kerry and he called on the Council to work closely with the organising Committee to make it a great success.

Cllr. M. Gleeson said the Oireachtas is returning to Killarney at the end of October next year and it presents a wonderful opportunity to achieve long term celebration of the rich culture of areas such as Sliabh Luachra. It would be great if an event could be organised in conjunction with An Oireachtas. There is no signage for the burial places of great poets and he asked that plaques would be provided to inform people of the burial or birth place of our famous poets and authors. This would encourage more people to visit the county.

Cllr. J. Finucane said 70 million people claim Irish heritage and The Gathering provides a platform to connect with them. While most events will focus on the tourism market there is also scope to extend it to people in industry. He recently proposed that a volunteer corps of young people would be established to act as guides etc. They could be awarded Certificates for their involvement by the local authority to acknowledge their contribution. This would give young people an opportunity to get involved in The Gathering.

Cllr. P. O'Donoghue asked if any projections have been done in relation to the costings? There could be implications for Kerry County Council and the numbers of people visiting the country. The Scottish experience failed and the projected income failed to materialise. He asked if lessons were learned from their experience.

Cllr. G. Wharton Slattery said she recently attended a conference organised by AOIFE where they were informed 45, 000 people volunteer to run events every year. Minister Ring gave a presentation and said if each adult in the country invited 35 people it would create 1 job. She asked if The Gathering would create any jobs.

Mr. J. Griffin said the Government target is 305,000 additional visitors in 2013 with a projected income of €150m. That should equate to an additional 50,000 visitors for Kerry. It is very difficult to estimate how many jobs will be created but it will sustain existing jobs and create more part time jobs. A number of events will be held in the shoulder season and events will run from February through to November. He hoped this would mean people would be employed for a longer period next year and that it would bring economic benefits to local communities.

Cllr. P. Connor-Scarteen said there is great community spirit but some areas need encouragement. A lot of good work is being done through the Kerry Associations around the world and he asked if The Gathering is being advertised abroad.

Mr. J. Griffin informed the meeting that Fáilte Ireland is responsible for the overseas advertising for The Gathering. The Scottish experience was studied and while they concentrated on major events they did not inform people of the events and invite them. The lesson learned was that existing events should be expanded rather than organising new ones and events should be more localised. Everyone in the country has a responsibility to help and to invite people to Ireland in 2013.

Mayor T. O'Brien said he had a number of relatives coming home in 2013 and they are coming because we are making an effort. Tralee has had a gathering for the past 50 years and it is up to public representatives to sell The Gathering to their communities.

The County Manager thanked the members for agreeing to the presentation. Fáilte Ireland had a lot of contact with those involved in The Gathering in Scotland and it was very clear what went wrong with their events. They organised events but never told the people. People of Kerry need to start writing to invite their connections abroad to Kerry for 2013. There is a list of 120 events scheduled for The Gathering but he was concerned that other events have not been notified to us yet. It is important to get the message out that if anyone is organising an event they should contact The Gathering office to ensure they are included on the list of events. It is hoped The Gathering will not be a once off year but will be a legacy for other years. Irish Public Bodies have a fund of €1m for The Gathering and this will be matched by Government. The closing date for receipt of applications is 29th November. We are working with the Leader groups to maximise resources. It is hoped to allocate funding to The Gathering in the 2013 Budget and a full time person has been allocated to work with communities.

12.11.19.14 Report on the Economic Planning & Development SPC

Cllr. P. McCarthy briefed the meeting on the issues considered at the last meeting of the Economic Planning and Development SPC under the following headings:

- **Housing Estates**

It is proposed to Take in Charge 8 no. housing estates and the report on submissions and recommendations will be brought to Council in December.

- **Quarries**

It was noted that all quarries (170) in the county have been examined by the statutory deadline of the 15th August 2012.

22 no. decisions have been appealed to An Bord Pleanala and decisions in these cases are awaited.

- **Forward Planning Unit**

It was noted that the 8th Variation of the Kerry County Development Plan 2009 – 2015 – Renewable Energy Strategy is being finalised.

The Caherciveen/Waterville/Sneem Functional Areas Local Area Plan is progressing through public consultation.

Work is underway on Local Area Plans for the Tralee/Killarney Hub and Listowel/Ballybunion.

Cllr. D. Healy-Rae referred to the ongoing review of quarries and expressed concern that quarry owners may have to apply for substitute consent. If that is the case they must do an EIS which will cost approx. €40,000. Many quarry owners cannot afford this when business is so bad and he was concerned they will be forced to close. If that happens it will impact on the Council's Roadworks Programme as stone will have to be transported longer distances at a greater cost. It is unfair to ask quarry owners to do an EIS at this time.

12.11.19.15 Report on the Environment and Water Services SPC

Cllr. M. Gleeson briefed the meeting on the issues considered at the last meeting of the Environment and Water Services SPC under the following headings:

- **RAL – Water Quality Improvement Programme**

County Kerry has 85 Water Supply Schemes and 56 were put on RAL. Most of those required relatively small scale works such as upgraded chlorination equipment, alarms etc but 38 required new or upgraded treatment plants.

The Budget is €16.2m with KCC funding 25% (€4m)

Progress under the scheme was outlined.

- **New Smoky Coal Ban Regulations**

Tralee is still the only specified area in Kerry where the burning of smoky coal is prohibited but the prohibition area has been extended to the environs of Tralee.

It was previously only an offence to sell smoky fuels but it is now also an offence to burn them and this is effective from 31st August, 2012.

- **Update on Capital works at North Kerry Landfill**

Two capital projects are currently ongoing.

- 1) The capping of Phase 8 of the landfill.
- 2) The construction of an Integrated Constructed Wetland.

- **Update on Regional Waste Management Review**

A mandatory evaluation of the current Regional Waste Management Plan is underway and it must be completed by the end of December 2012.

Final evaluation reports will be presented to Local Authority Managers by the end of November.

The fact that new waste regions will be established in 2013 will mean that new regional plans will be required rather than just updating the current plan.

12.11.19.16 Summary of Proceedings at Conferences/Seminars

(a) MacGill Summer School

It was agreed to note Cllr. P. McCarthy's written report on the MacGill Summer School held from 22nd to 27th July, 2012 which was circulated.

(b) Regional Economic Conference

It was agreed to note Cllr. P. McCarthy's written report on the Regional Economic Conference held on the 31st August, 2012 which was circulated.

12.11.19.17 Reception of Deputations

- (a) Cllr. B. Cronin requested that a deputation be received from the Residents of Graffees/Bushmount in relation to water supply problems.

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

- (b) Cllr. P. Leahy requested that a deputation be received from Representatives from Lisselton School in relation to the danger of school children crossing the road to the shop.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. T. Buckley it was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.

12.11.19.18 Approval for the Opening of Tenders

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. G. Wharton Slattery it was agreed to approve the opening of tenders for Pre-Qualification Questionnaires for the Design of the Lough Leane Loop Trail, Killarney – Closing Date: Monday 19th November, 2012 at 4.00 pm.
- (b) On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for the County Kerry Water Conservation Project – Mains Rehabilitation Works Roger Casement Avenue – Closing Date: Tuesday 27th November, 2012 at 4.00 pm.

12.11.19.19 Notices of Motion

1. Inclusion of relevant speed limit on imitation camera signs

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

As a basic courtesy to vehicle drivers, that the relevant speed limit would be attached to the imitation camera signs that act as advance warning of the possibility of the presence of the speed detector vans.

The following report issued:

The statutory provisions in relation to the erection of road signs is as set out in the Traffic Signs Manual 2010, which is issued to all local authorities as a Ministerial Direction, under Section 95(16) of the Road Traffic Act 1961.

The camera sign referred to in this motion is classified as an “information sign to assist with traffic calming”.

An Garda Siochana contracted a private company to operate safety cameras on behalf of the Gardaí, which was launched in November 2010. The roads, which are being monitored by this private company, were specifically identified on Collision Zone maps, following an extensive analysis of collisions on the road network, where speed was a contributory factor. The camera signs are information signs to motorists that a mobile speed camera, operated by the private contractor, may be recording vehicular speeds on the road, a section of which may be subject to a lower speed limit than the default limit for the particular class of road.

Speed limit signs are classified as “regulatory signs”, prescribed by the Minister for Transport, Tourism and Sport, under the Road Traffic (Signs) Regulations 1997 - 2012, and there is a requirement on road authorities to strictly comply with the form and content of these signs.

When the camera signs were erected in late 2010, the contractor erected some of these signs onto existing speed limit signs.

However, the technical advice from the Department of Transport Tourism and Sport, and the NRA, since, is that it is best practice internationally to have the camera signage separate to the speed limit signs.

Cllr. M. Gleeson said he believes the speed cameras are fair but it would be reasonable to have the speed limit that applies in the area on the sign advising motorists of the possible presence of speed cameras. However, that is not always the case. When they were introduced it was stated it was not intended to make money but rather to make the roads safer. He asked that this matter would be referred to the Gardaí for further consideration.

Mr. C. O’Sullivan said speed limit signs are at specific intervals on some roads i.e. the N69 Tralee to Listowel road where there are speed camera signs at a number of locations. However the speed limit at the Six Crosses reduces from 100km to 60km.

Cllr. T. O’Brien **SECONDED** the motion.

2. Review of planning Development Levies

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

That Kerry County Council review all planning development levies as a matter of urgency as these levies do not represent current market values of the properties in question. They are anti business and a contributing factor to people with good business plans not proceeding with their projects. They are also making it very difficult for persons in negative equity not being able to dispose of their assets when dealing with financial institutions etc.

The following report issued:

Kerry County Council reviewed its Development Contribution Scheme during 2010 and a new Scheme was adopted by the Council on the 21st March 2011. This Scheme was adopted following consultation with the Planning & Development SPC, the CPG, the County Development Board and the public. The charges for various infrastructures were generally reduced to reflect the better value being obtained in public works contracts. The other major change was a decision to charge based on the size of a development rather than a flat rate basis.

In addition, in order to stimulate economic development, a reduction of 50% was included for developments involving the expansion of existing industrial or manufacturing operations or business supported by the IDA, County Enterprise Board or other local development agency.

Development Contributions are not related to the market value of a property but rather the cost of providing vital public infrastructure which facilitates development. Furthermore, levies are applied at the time planning permission is granted and are required to be paid prior to the commencement of development. A review of the scheme would have no bearing on those persons in negative equity.

Cllr. M. Cahill expressed his disappointment with the reply and said development levies should be considered in the context of the current economic climate. He said they do not represent current market values of properties and are anti business and a contributing factor to people with good business plans not proceeding. In many cases the levies are more valuable than the property and sites cannot be disposed of because of the levies. Car parking levies are also a huge problem. Other local authorities are addressing this issue and he pleaded with Management to review the Development Levy Scheme.

Cllr. D. Healy-Rae **SECONDED** the motion and said he moved a similar motion some time ago. At that time he was informed the levies would be reviewed but he was not informed when this would happen. There are inconsistencies in the levies. Members voted in favour of an increase in the levy for sewerage as they understood it would fund sewerage schemes all over the county. Applicants in urban areas are being asked to contribute to roads and he said this is not reasonable. However, it would be acceptable in a rural area. Machinery, material and labour costs have reduced therefore the levies should be reduced. He called for a review of the Development Levy Scheme as soon as possible.

Mr. M. McMahon, Director of Planning informed the meeting that the Development Levy Scheme was reviewed and a new Scheme adopted on 21st March, 2011. At that time a reduction of 50% was included (1) for developments involving the expansion of existing industrial and (2) manufacturing operations or business supported by the IDA, County Enterprise Board or other local development agency. Members are giving the impression that there is no capital development of sewerage schemes at present but that is not the case. A new scheme was provided in Barraduff, Milltown and other areas in the past few years and loans on this investment were taken out for a twenty year period. This is what income from development levies is used for. There is a need for a development contribution and levies should be paid in advance of the development taking place. Income from development levies is required for investment already untaken and investment that will be undertaken in the future. An extensive process was undertaken in late 2010 when the Development Levy Scheme was reviewed and it will not be reviewed again until 2014 at the earliest.

3. Introduction of a car parking scheme at Kerry General Hospital

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

That Kerry County Council call on the HSE South to introduce a car parking scheme for families of patients who are approaching the end of their life, to ensure that family members are not subjected to enormous car parking charges at Tralee General Hospital.

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

Cllr. B. Moynihan Cronin said she recently met a family whose mother died in Kerry General Hospital. Over the two days prior to her death the family incurred parking charges of €150. They live over one hour from Tralee therefore they had to drive there. She called on the HSE, on compassionate ground, to make special arrangements for visiting family members where a person is dying.

Cllr. M. Cahill SECONDED the motion and it was agreed to refer it to the HSE for consideration.

The Mayor informed the meeting that the four Mayors met with the HSE on this issue and will have a further meeting next week. He will raise the issues highlighted by members at that meeting.

Cllr. T. Ferris said that a maximum daily charge should also apply to parents with children in hospital.

The meeting then adjourned for a Civic Reception and lunch.

The meeting resumed at 2.40pm.

4. Retention of key personnel in Tralee, Killarney and Listowel offices

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

In light of recent changes in Local Government, that key personnel would be maintained in Tralee, Killarney and Listowel offices, that Revenue raised in the three towns would be ringfenced and that the achievements of the past would not go unheralded.

The following report issued:

The Government's recent publication "Putting People First" proposed the abolition of Town Councils by 2014. It also proposes the setting up of Municipal Electoral Areas. At this stage no further information has been provided to us.

These issues will also have to be dealt through legislation and it is premature to speculate on the outcomes at this stage.

Cllr. J. Finucane said while he regretted the decision to abolish Town Councils he hoped this process could be changed but it will be difficult. It is important that the focus on the towns of Tralee, Killarney and Listowel remains. The greatest challenge is to attract the right people into politics and it only suits certain businesses. Becoming a member of a Town Council is the first step into politics. He wanted to ensure that the expertise built up in the Town Councils remains in place. In the '80's following the closure of Kingdom Tubes the focus on tourism projects came from Tralee Town Council and not private business. In conclusion he said he wanted to see the commitment to the towns maintained and to ensure that the income generated in the town would remain in the town.

Cllr. M. Gleeson said the Notice of Motion saddened him as it accepts that Town Councils will be abolished. He is not prepared to accept that yet and he will fight against it. Everyone is aware of the vital role Town Councils have played in the transformation of their towns. There was a metamorphosis in Killarney over the past 15 years. Money was used wisely and the town won the overall Tidy Towns Award. He believed Listowel would be next to win this award and then Tralee. This is a brutal act by Minister Hogan on a system that is working well. The Minister should be giving greater power to the Town Councils and not abolishing them. When and if municipal authorities are established income generated in a town should remain with that authority.

Cllr. M. O'Shea agreed with the sentiments of the motion and said it is a disaster for Tralee and Killarney that the Town Councils will be abolished. He asked if there would be any debate on the upcoming changes in local government.

The County Manager said very little information is available at present but it is a matter for the members to decide.

Cllr. M. Gleeson asked that an item would be included on the Agenda for the January meeting on proposed changes in local government.

Cllr. B. Cronin asked if a closing date for receipt of submissions to the Boundary Committee has been notified.

The County Manager said this information was not yet received.

Cllr. Cronin asked that members would be advised of this date once it is received.

The Mayor stated that he had to leave the meeting for a short while and as the Deputy Mayor was not present he PROPOSED that Cllr. G. Wharton Slattery would Chair the meeting in his absence.

Cllr. D. Healy-Rae SECONDED this proposal and it was unanimously agreed.

Cllr. Wharton Slattery then took the Chair and the Mayor left the meeting.

5. Administration of LEADER funding in the Gaeltacht

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

Will Kerry County Council write to the Minister for the Environment and to Pobal and ask them when will the LEADER funding scheme which had been administered by Meitheal Forbartha na Gaeltachta in the Kerry Gaeltachts be contracted to North and East Kerry Partnership and South Kerry Partnership. Many small companies and businesses have been without a scheme for over a year and have been waiting to make an application for LEADER funding.

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

Cllr. S. Fitzgerald said no organisation has been appointed to administer LEADER funding in South and West Kerry. Funding is available but it is not being allocated. He expressed his disappointment with Ministers Deenihan and Hogan who gave assurances that organisations would be appointed to administer the funding. He asked that a letter would issue to the Minister for Environment and to Pobal outlining member's disappointment and calling on them to appoint organisations to administer this funding immediately. If applications are not submitted in 2012 no funding will be allocated in 2013.

Cllr. M. O'Shea SECONDED the motion and said several worthwhile applications are in limbo because no one can process them.

6. Review of the Lewis Road Junction with the By-Pass

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

That this Council request the NRA to re examine the highly dangerous junction from Lewis Road, Killarney to the By-Pass with a view of eliminating the right hand turn because of the high risk encountered by motorists at this junction.

The following report issued:

Safety improvement works were carried out at this complex junction in 2004, which included the provision of footpaths, central islands, cycleway islands and signage, with the objective of reducing mainline speeds and providing improved junction definition. The elimination of a right hand turning movement exiting Lewis Road would improve immensely the safety at this junction. However, the proposal would increase traffic volumes on the Cleeney Roundabout, which is currently at capacity during peak traffic flow.

The construction of a roundabout on the N22 Killarney By-Pass to the west of this junction, with a reconfigured link to the Lewis Road, and to be developed in conjunction with a private development on the HSE lands, was approved in principle by the NRA, in 2008. This was subject to a number of conditions, most primarily that the scheme would be funded by the developer.

Given the constraints on the capacity of the Cleeney Roundabout, any proposal to amend the layout of the junction would have to be conditional on a source of funding being identified for the construction of this roundabout and the realigned Lewis Road. It would also require planning approval and a Section 38 approval, under the Road Traffic Act 1994, from the members of Killarney Town Council.

Cllr. B. Cronin challenged the last paragraph of the reply and said it is very dangerous for traffic turning right onto the By-Pass from the Lewis Road Junction. There were a number of fatalities there as well as serious injuries. The safety works did not slow down traffic nor did it improve the danger element for motorists turning right. The position in relation to the development of a new roundabout pertained in 2008 but there is no hope it will be provided in the long term. He observed an identical junction between the Newport Roundabout and the Annacotty Roundabout in Limerick where traffic is not permitted to turn right and it is working well in rush hour traffic. His proposal would not cost a lot. He agreed it would result in additional traffic and delays at the Cleeney roundabout but said this is more acceptable than further accidents. He requested that the right turning lane from Lewis Road would be removed on a trial basis for 6 to 8 weeks.

Cllr. M. Gleeson supported Cllr. Cronin's proposal. He made a similar proposal at a meeting of Killarney Town Council 16 years ago and he was informed, while it was an excellent idea, it could not be implemented because it would apply to cyclists. The bulge on the bridge prevents a clear vision of oncoming traffic and it is time this was addressed.

Cllr. J. J. Culloty supported the motion and said he had reservations about introducing a left turning lane only as it will lead to congestion at the Cleeney roundabout. He suggested that the 100km speed limit should be removed and replaced with a 60km speed limit 100m either side of the junction.

In response Mr. C. O'Sullivan said the Newport Junction is closer to the other roundabout. Even temporary measures require public consultation and any changes to speed limits involve a more elaborate statutory process and consultation with the NRA.

Mayor T. O'Brien then returned to the meeting and took the Chair.

7. Danger at entrance to the Danu Childcare Centre, Rathmore

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

That Kerry County Council Roads Department prioritise the very dangerous issue that exists at the entrance to the Danu Childcare Centre in Rathmore. Parents driving their children to this facility from the Killarney side are in grave danger as they slow down to negotiate the turn into the childcare grounds. They are frequently overtaken by motorists who do not realise that they are turning off. This is a very serious situation which will need a pass lane and additional traffic calming measures.

The following report issued:

This notice of motion was raised at the Killarney Electoral Area meeting in September. As this is a National Secondary Route, any works proposed in relation to the provision of a turn off lane at the Danu Childcare Centre, would have to be approved by the National Roads Authority. The NRA will only fund lining measures at public road junctions with significant turning movements and as this is a private development it does not meet the NRA's criteria.

Cllr. J. Sheahan stated he was approached by people who were very concerned at the dangerous situation that exists at the Danu Childcare Centre in Rathmore. The solution is the provision of a dedicated lane for traffic turning off. At present when motorists reduce speed to enter this facility they are being overtaken and it is very dangerous. If something is not done there will be a serious accident. He called for an extension of the traffic calming measures to provide a turn off lane to this property.

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

8. 9% increase in electricity costs

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

That Kerry County Council call on the Commission for Energy Regulation not to allow an increase in charges to businesses and consumers of 9% as proposed by electricity suppliers.

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

9. Introduction of policy to promote the planning of native trees

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

That this Council call on the Minister for Agriculture, Food and the Marine to introduce a policy which would promote the planting of native trees, such as Alder, Larch and Willow in place of Sitka Spruce. At present, Sitka Spruce, which is a non-native species, is the most widely planted for forestry grant purposes, and it has a negative effect on the environment.

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

Cllr. J.J. Culloty said he understands there will be no demand for sitka spruce and native species are more suitable solid fuel. The native trees lose their leaves in winter and they support wild life. The hen harrier also thrives with native trees. He called on the Minister for Agriculture to promote a scheme where prominence is given to native trees.

Cllr. M. Gleeson SECONDED the motion.

10. Measures to address the long waiting lists of appeals for Disability Allowance etc.

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

To ask Kerry County Council to write to the Minister for Social Welfare, Joan Burton, TD that she urgently put into place systems to deal with the long waiting lists of appeals for Disability Allowance and Carer's Allowance, medical card application, domiciliary allowance, etc.

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

Cllr. M. O'Shea said the appeals process is chronic and the Minister has made no effort to resolve it. People are waiting in excess of 12 months for a decision on their appeal. 87% of people who have their application for the disability allowance refused is because "the medical condition is not satisfied". This follows further evidence that confirms three out of every five applications for the Disability Allowance are rejected. The figures are astonishing, 4,169 people nationwide are waiting to have their appeals heard for the Disability Allowance, 2,513 of these have been waiting for more than 4 months, and 321 people are waiting for more than a year. In addition to this there are 1,635 people waiting to have their appeals for the Carer's Allowance processed, with more than 900 of these waiting for over 4 months and 113 people waiting for over a year. Cllr. O'Shea called on Minister Burton to put additional staff in place immediately to address these long delays.

Cllr. T. Ferris **SECONDED** the motion and said the same applies to all social welfare allowances. Each year the Department appears to crack down on a particular allowance and it becomes apparent by the end of March each year which allowance they are focussing on that year. A person would have to be completed invalided now in order to qualify for Carer's Allowance. When children with a disability are at school parents are told they do not meet the criteria as the time the child is at school is discounted. Many applicants are waiting to have their appeals processed for over 12 months. This is scandalous and cannot be allowed to continue. Only for the Vincent de Paul many of these people would not have enough to live on.

Cllr. B. Cronin also supported the motion and said he would relay the concerns expressed by members at a meeting of the Regional Health Forum at the end of the month.

11. Provision of Bus Stop at the Train Station in Farranfore

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

That we the members of Kerry County Council ask Bus Éireann & Iarnród Éireann to provide a safe bus stop in the Train Station grounds in Farranfore - this proposal should also include a proper bus shelter to facilitate passengers waiting in inclement weather.

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

Cllr. D. Healy-Rae stated when buses stop in Farranfore traffic comes to a standstill. The Community Council suggested that a bus stop could be provided at the Train Station and it appears that this may happen. A bus shelter would also be required. He called for the support of all members to get assistance from Kerry County Council to provide proper turning lanes in and out of the station. In the past he asked that the yellow box would be repainted but it was not done as the funding is not available.

Cllr. J. Healy-Rae **SECONDED** the motion and said it is practical to move the bus stop off the main road.

12. Introduction of Property Tax

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

That this Council rejects any attempt to introduce a tax on homes.

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

Cllr. T. Ferris asked that a letter would issue to the Government outlining members objections to the proposed property tax. It is intended to deduct it from PAYE workers and social welfare recipients. This will result in major hardship for those on social welfare or those paying a mortgage.

The motion was not seconded.

Cllr. T. Buckley moved Notice of Motion No. 13 on behalf of Cllr. Connor-Scarteen.

13. Provision of infrastructure to attract companies to set up in Kerry

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

That Kerry County Council outline how it is planning for the future in terms of infrastructure and communications to make it more attractive for companies to set up in the County.

The following report issued:

Kerry County Council, in accordance with its obligations, must present a 3 year Capital Programme as an integral part of its budgetary process each year. This Capital Programme sets out the Councils objectives in the areas of Roads and Water and Waste Water Infrastructures as well as proposals for enhanced Civic and Amenity Facilities as funds allow. The Council has been to the forefront in recent infrastructure improvements such as the Castleisland Bypass, new Waste Water Treatment Plants and the Tralee Bypass, which is currently under construction. The Council has also facilitated a very efficient and affective planning process for the LNG Plant at Ballylongford as well as assisting the development of the Tralee Technology Park to name but a few of its industry supports. The Metropolitan Area Networks installed in Tralee, Listowel, Killarney and Castleisland were planned and delivered on time and under budget by Kerry County Council also.

14. Amendment of legislation on the review of Local Area Plans

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

That Kerry County Council calls on the Government to amend the relevant legislation concerning Local Area Plans so that the review period would be extended to 10 year cycles as distinct to the current review period. Also that Kerry County Council would report as to the average costs incurred by the Council in review of any given Local Area Plan.

The following report issued:

The Planning & Development Act 2000 (as amended) provides for the review of a Local Area Plan "at least every 6 years after the making of the previous local area plan". In general, therefore, a local area plan covers a period of 6 years.

However, Section 12(a)(iii) of the Planning & Development (Amendment) Act 2010 provides that “not more than 5 years after the making of the previous local area plan, a planning authority may, as they consider appropriate, by resolution, defer (the review) for a further period not exceeding 5 years”. Before such a resolution is passed the Members of the authority shall:

- Notify the Manager of the decision to defer,
- Seek and obtain from the Manager:-
 - (a) an opinion that the LAP remains consistent with the objectives and core strategy of the relevant development plan,
 - (b) an opinion that the objectives of the LAP have not been substantially secured and confirmation that the review can be deferred and the period for which it can be deferred.

Furthermore, Section 12(b)(ii) of the 2010 Act provides that where an objective of a local area plan is no longer consistent with the objectives of the development plan, the planning authority shall as soon as may be (and in any event not later than one year following the making of the development plan) amend the LAP so that its objectives are consistent with the objectives of the development plan.

As Members are aware the Council adopted a Core Strategy into its Development Plan on the 12th September 2011. In accordance with Section 12(b)(ii) the Planning Authority is now obliged to review all its Local Area Plans within one year of that date as they are inconsistent with the Core Strategy. To date, LAPs for the Functional Areas of Castleisland, Kenmare, Killorglin, and Dingle have been adopted, which are now consistent with the Strategy and it is expected that the LAPs for the Functional Areas of Caherciveen/Waterville/Sneem will be adopted in January 2013. Work is ongoing on the review of the LAP for Listowel/Ballybunion and the Tralee/Killarney Hub which will be published early 2013. The two remaining Functional Areas of Rathmore and Castlegregory will then be reviewed.

In the adopted Budget for 2012 a sum of €595,000 was provided for the preparation of Statutory Plans & Policies. During the year the Section prepared Local Area Plans for the Functional Areas of Dingle, Caherciveen, Waterville and Sneem. Initial work was also undertaken on the review of the Local Area Plans for Listowel/Ballybunion and the Tralee/Killarney Hub which will be published in 2013. In addition, the Renewable Energy Strategy, which was adopted as a variation of the County Development Plan was also finalised. The section also undertakes work for other sections of the Council in relation to Appropriate Assessment of Plans & Programmes under the Habitats Directive and Staff attend as ‘expert witnesses’ at Oral Hearings etc. This work traditionally was outsourced to

Consultants prior to competency being developed in-house. The Forward Planning Unit also advised on all aspects of Architectural Conservation/Protected Structures which was also out-sourced until recent years. For these reasons it is not possible to identify the individual cost of a review of a Local Area Plan.

Cllr. P. O'Donoghue said he was aware there is a legal obligation on the Council to review local area plans. However the Department should consider a longer cycle. He asked that a letter would issue to the Minister for Environment, Community and Local Government calling on him to amend the legislation to allow local authorities to review local area plans every 10 years if they wish. The review of local area plans cost €0.5m in 2012 and we should try to avoid expenditure of this magnitude if possible.

Cllr. T. Ferris supported the motion and asked that it would be circulated to all local authorities in the country.

15. Funding for the Kenmare/Bonane Road

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

That we the members of Kerry County Council again ask the NRA to provide substantial funding for the Kenmare Bonane Road (N71) as it is deteriorating further and it's in a shocking state.

The following report issued:

In excess of €3 million has been received for improvements on this section of the National Secondary Network in previous years and great improvements have been carried out.

Previously, local authorities were requested, in October, to submit schemes to the NRA, for consideration for funding under the National Secondary Pavement Improvement and Realignment programme. To date, we have not been requested to submit any schemes for consideration in 2013, and it is my understanding that there may not be any substantial funding, if any, to local authorities under this programme next year.

This motion is a matter for resolution by the members if they wish to make representations to the NRA for funding for this particular section of road.

Cllr. J. Healy-Rae said part of this road was not improved for years. It is an extremely busy road and he called on the NRA to make it a priority. From Derrinacorrig Cross to Godfrey's shop and from Releigh Bridge to where the road was improved before is in a very poor condition and there is only one lane. He called on Management to make a strong case to secure funding for improvement works to this road.

Cllr. D. Healy-Rae SECONDED the motion and said if the water tables were opened it would help to take the water off the road.

16. Introduction of a National Bowel Cancer Screening Programme

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

That this Council calls on the Department of Health to introduce a National Bowel Cancer Screening Programme. Such a Programme would allow the disease to be detected and treated at an early stage and thus save lives. It would also eliminate the need for long stay, very expensive hospitalisation.

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

Cllr. M. Gleeson said bowel cancer kills. In truth bowel cancer is the 2nd biggest cancer killer in Ireland for both men and women. In excess of 900 people died in Ireland last year from bowel cancer. There are 2,000 new cases of the cancer diagnosed in Ireland each year and that figure is expected to rise pro rate with the increase in the number of older people in our country. Medical experts say that everyone over the age of 45 should have regular bowel screening. There is a relatively simple and ever improving test, using antibodies to detect any dangerous symptoms. In Britain there is an ongoing campaign to encourage people who suspect a symptom to visit their doctor Free of Charge. Research has shown that screening has reduced bowel cancer deaths by approximately 30% as against those who did not seek screening. The real purpose of the screening is to detect the cancer in people who have no obvious symptoms and thus to prevent its development to a stage where it is, at best difficult to treat and at worst irreversible and fatal. The cost of the screening is relatively little and is certainly little when contrasted with the cost of treatment and long stay hospitalisation for those who have the fully developed disease. The message is two fold that early screening (a) saves lives and (b) saves the State a great amount of money.

Mayor T. O'Brien SECONDED the motion.

17. Number of breaks in the Mid Kerry Regional Water Supply Network

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

That Kerry County Council inform the members of the council as to how many breaks occurred in the Mid Kerry Regional Water Supply network in 2012 to date. How many breaks in 2011 and what was the total cost of repairing these breaks? How many km's of pipe network needs to be replaced? What is the total cost of replacing these pipes? Has a submission for funding been made to the Department of the Environment, Community & Local Government? Will Kerry County Council make every effort to address these defects as it has been an absolute nightmare for householders in the Killorglin / Beaufort / Cromane / Milltown area for the past couple of years as problems seem to arise on virtually a daily basis.

The following report issued:

In 2011, there were 66 repairs carried out to the public mains on the Mid-Kerry WSS. In 2012, there were 44 repairs carried out up to the end of July.

Kerry County Council has made a number of submissions to the Department for replacement of deficient watermain around the county. Submissions for 67 different mains, with a total length of 57km, have been made at locations around the county at an estimated cost of €12.7m. To date, works to the value of €10.6m have been approved by the Department.

Seven separate pipelines on the Distribution Network of the Mid-Kerry WSS, with a combined total length of 8,000m, have been approved for replacement as part of the Mains Rehabilitation Programme. These proposals were approved by DOE in October 2012 as part of the Water Services Investment Programme 2010-2013.

The seven pipelines in the Mid Kerry area consist of approximately 8,000m of watermain varying in size from dia. 100mm to dia. 300mm at a total estimated cost of €1,183,000 and these are located in the areas of Shannera, Ballykissane, Cappagh North, Cappagh South, the Board of Works Road, Kilgobnet and Douglas. It is planned that these works will commence in 2013. The majority of these works will be carried out by contract and it will therefore be necessary to prepare tender documents for them.

Cllr. M. Cahill said since the end of July there were numerous breaks. In his motion he requested the cost of fixing the breaks but that information was not provided. To say it is an inconvenience to households and businesses is an understatement as it is catastrophic for them. In one case a restaurant had 180 customers sitting down for dinner and they had no water. It has been particularly difficult in the Mid Kerry area and he was pleased that funding will be provided to replace some of the pipe network in 2013. It is intended to meter households yet proper reliable infrastructure is not in place. He asked that this work would be carried out as early as possible in the New Year.

Mr. O. Ring said he did not have the costs to hand. He appreciated the inconvenience the interruption to the water supply is for households and businesses. He undertook to provide the cost involved to Cllr. Cahill.

18. Establishment of an Economic Development SPC

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

That a recommendation in the Programme of Effective Local Government outlines the establishment of a dedicated Strategic Policy Committee for Economic Development with a specific Director of Services for Economic Development and with a new local enterprise office would be integrated to create a one stop shop for business support. I call on Kerry County Council to immediately implement these recommendations.

The following report issued:

The policy document “Putting People First” sets out a framework for the establishment of a dedicated Strategic Policy Committee for economic development and the creation of a post of Director of Services for Economic Development in those Authorities with Hub on Gateway Status. There are no further legislative or establishment details and we await clarity on these from the Department of the Environment, Community and Local Government. On receipt of further direction we will keep the Members informed on this matter.

Cllr. J. Finucane said there are a number of critical issues for Kerry at the present time i.e. the LNG Project and the inability of the State to deal with this project in a reasonable timeframe. He requested that a meeting would be sought with Ministers Varadkar and Howlin in relation to Shannon Development and the transfer of its assets including lands and buildings to a private company. He was very concerned regarding this proposal. In 2011 the IDA made 6 visits with industrialists to Clare, 20 to 30 to Cork but none to Kerry. That is unacceptable and now the process is underway whereby the Technology Park which was to be sited solely for industrial development will now be transferred to the new Shannon Airport Authority or to the IDA, a body that has no confidence in this region. He understood the Council would appoint a Director of Services for economic development who would establish a one stop shop for prospective investors. The members of Kerry County Council have a role to play in preventing these disasters and they must demand that these assets are retained in the county.

Mayor T. O'Brien SECONDED the motion and suggested that he, the County Manager and Cllr. Finucane would meet to discuss how progress can be made on this issue.

19. Availability of Áras Phadraig, Killarney for local organisations

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

That this Council provide a detailed report outlining the reasons causing the delay in making the Áras Phadraig, Killarney accessible to local organisations and sporting groups who wish to avail of it and can Kerry County Council give a definite date as to when this amenity will be available to the public.

The following report issued:

This is a matter for Killarney Town Council and if the members so wish, we can write to them requesting a response.

Cllr. B. Cronin expressed his anger at the reply. He submitted the motion on behalf of his constituents in Killarney. Over the past 11 years he got similar replies regarding matters in Killarney Town and he was no longer prepared to accept them. This is very frustrating and an insult to the ballot box. Kerry County Council is the governing body in the county and John Breen is the Area Manager, Killarney Town Manager and Director of Housing and Community & Enterprise. Áras Phadraig was donated and it is a beautiful facility which is lying idle for some time. Numerous clubs contacted him to find out when it would be made available to them. He was only doing what he was elected to do and he believed he was entitled to this information. The reply is disrespectful and it is preventing him from doing his job as a public representative.

The County Manager said there is a distinction between the role of the Town Council and the County Council. There are elected members in the Town Council who have a statutory duty. This is a matter solely for Killarney Town Council. The motion will be forwarded to the Town Council for reply. Members must accept and recognise boundaries.

Cllr. B. Cronin asked what about respect for councillors and who is the Killarney Town Manager.

The County Manager said he is Town Manager for all Town Councils but he delegates this function. For as long as he is Manager that is the reply given in relation to matters that relate to the Town Councils. If Cllr. Cronin had written to John Breen as Town Manager he would have received a detailed reply. He was merely following procedure.

20. Installation of CCTV cameras to apprehend boy racers

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

That this Council consider installing CCTV cameras in the hope of apprehending offending boy racers and write to the Minister for Transport, Tourism & Sport, Mr. Leo Varadkar T.D. with a view to introducing laws to govern the modification of cars by boy racer enthusiasts.

The following report issued:

The Council has used CCTV cameras in a limited number of areas to enforce the provisions of the Litter Act. CCTV cameras have also been installed in some of the larger towns in the county, and are operated having regard to very strict requirements under the Data Protection Act, where the public have to be informed that their activities may be recorded. The provision of CCTV cameras on public roads to detect boy racers, would be extremely difficult and costly to implement. Some Garda vehicles have CCTV cameras, which would be the more appropriate resource to use for recording infringements of the road traffic acts.

The activities of boy racers are of serious concern, both in terms of road safety and nuisance to local communities. The Council has received numerous complaints, particularly during major car rallies, to resolve the issue, but it is primarily a matter for the Gardaí to enforce existing legislation under the Road Traffic Acts. Efforts have been made by the Council for the organizing committees of these car rallies, to engage with An Garda Síochána and the Road Safety Authority in taking a more pro-active approach to the issue, during the staging of rallies.

The request to the Minister to introduce legislation to govern the modification of cars by boy racer enthusiasts is a matter for resolution by the members.

Cllr. J. Sheahan said this is the second time he put down a motion regarding boy racers. Boy racers are becoming a major issue in Killarney in particular on the By-Pass road most nights. They have no consideration for the people who must get up for work or the children going to school the following morning. In Mayo funding was provided for mobile CCTV units to try to resolve this problem. He called on the Council to provide funding for mobile CCTV units to tackle this problem.

Mayor O'Brien said boy racers will simply move away from CCTV cameras. Most of the vehicles used by boy racers are modified with low profile tyres. Legislation should be introduced to allow for the inspection and subsequent confiscation of these vehicles if they do not comply with the law.

Mr. C. O'Sullivan informed the meeting that they had a number of meetings with rally organisers and it was suggested that mobile test centres would be used to check these vehicles and that they would be impounded if they were illegal. However this would require a change in legislation.

Cllr. B. Cronin said it must be recognised that the Rally brings large number of people to the county. The organisers specifically criticise and castigate boy racers and they are doing all they can to address this issue.

Cllr. J. Sheahan said he had no issue with the Rally organisers.

21. Awarding of road contracts

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

To call on the County Manager to liaise with other county managers and the National Roads Authority to look at the awarding of road contracts and the conditions attached and to ensure that the small contractors are not left out of pocket for monies which are due to them.

The following report issued:

Contracts awarded by the Council, for the construction of major road schemes, are prepared under existing legislation and having regard to national and EU procurement guidelines. The issues associated with the employment rights of sub-contracts are not exclusive to roads contracts and this motion should be referred to the Minister for Jobs, Enterprise and Innovation for consideration.

Cllr. S. Fitzgerald said the contractor on the N86 sub contracted the work and the sub contractor employed local people. The question of payment arose and the sub contractor left the job and went up north. It is a regular occurrence that people are not paid for work on roads. The legislation needs to be tightened up to address this issue. He called on the County Manager and all County Managers to lobby to have this legislation amended.

Cllr. M. O'Shea supported the motion and asked must a contractor undertaking work on a national road lodge a Bond. If not this would be a solution.

Mr. C. O'Sullivan said the Bond provided by the contractor is to ensure that the work is carried out to a satisfactory standard but it does not protect the workers. This issue must be addressed in legislation by the Government.

22. Extension to the Castleisland Sewerage Scheme

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

To ask this Council what is the current situation with regards to the extension to the Castleisland Sewerage Scheme and what measures are being undertaken to help this long awaited scheme be delivered.

The following report issued:

The upgrading of Castleisland Sewerage Scheme is included in the Council's assessment of needs submitted to the DECLG for inclusion in the Water Services Investment Programme 2010-2013 (WSIP). Unfortunately the scheme has not been included in the current programme and consequently, no funding exists to proceed with it.

Kerry County Council understands that on completion of the existing WSIP at the end of 2013, Irish Water will thereafter be responsible for the strategic planning and funding of future Water Investment Programmes. Kerry County Council has already prepared a strategic plan for wastewater infrastructure and it is anticipated that this plan will assist in the development of a National Investment Programme by Irish Water. The extension of the Castleisland Sewerage Scheme features as a high priority in the Council's strategic plan.

Cllr. J.J. Culloty said the east side of Castleisland Town i.e. The Black Road, Knockananlig, Brosna Road and Cordal Road have had some of its houses on septic tanks for more than 50 years, with most of them being on septic tanks for more than 30 years. Over the years local politicians have promised an extension to the Town Sewerage to include this area. In 1990 a new treatment plant and extensions to the town sewer were planned, and the area was included at that time. However, due to high costs, this area was removed from the scheme, and the overall project was divided into Stage 1 and Stage 2. As these areas were moved to Stage 2 the residents were told that the postponed Stage 2 would be completed in about 5 years. It remained on the list by Kerry County Council and in 2003 a list of Water & Sewerage Schemes for Kerry was made available. In a statement the then Minister, Mr. Martin Cullen promised that the Stage 2 Castleisland Sewerage Scheme would commence construction in 2007. The work did not commence in 2007 as promised and this was the second occasion that the promised extension did not proceed. There are 116 houses in a very small area, expecting the public sewerage to be extended to them and with household charges of €100 it means the area is contributing €11,600 to the Exchequer.

The people of this area are very annoyed and have lost faith in politicians, both local and national. They believe that the time has come long before now, to deliver the long awaited Stage 2 sewerage extension to the town. There are also up to 30 houses in Moanmore, and a small number in College Road, which could easily be accommodated by extending the present sewer pipe network. This matter was recently raised in the Dáil when it was stated: "The Water Services Investment Programme 2010 – 2013, provides for the development of a comprehensive range of new water services infrastructure in County Kerry. The Programme includes contracts under construction and to commence to the value of over €92 million in Kerry during the period of the Programme. However, the Castleisland Sewerage Scheme was not amongst the priority contracts and schemes selected for inclusion in the current Programme. The Programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth." Land in the Black Road is very boggy and percolation would be poor and on environmental grounds this should qualify for funding. He asked that this Scheme would be given priority for funding.

Cllr. D. Healy-Rae stated he raised this issue on a number of occasions yet Cllr. Culloty now states the Scheme was not submitted for funding by Kerry County Council. This is very disappointing as the scheme is promised since the 1980's. He asked who decides the priority of schemes. These areas are within the town of Castleisland and residents must empty their septic tanks frequently.

Mr. O. Ring said Castleisland Stage 2 was on the Assessment of Needs. However two years ago strict guidelines were issued by the Department on what schemes could be submitted and Castleisland was not suitable. The Department carried out a review of schemes on environmental and economic grounds and decided what schemes would remain in the Programme. Castleisland Stage 2 was included in the previous Programme. There is a shortage of funding and schemes must be prioritised. Schemes that are required to meet statutory requirements and also the Water Framework Directive were funded which were mostly coastal towns and villages.

Cllr. J.J. Culloty said the fact that now there is a lack of funding is not much good to the people of Castleisland as they feel let down. They paid the Household Charge and he believed on environmental grounds the scheme meets the criteria. This Scheme would not require an entirely new scheme but an extension of the existing Castleisland Scheme.

Mr. O. Ring said Castleisland Stage 2 was a priority for Kerry County Council since the 1990's but we do not have the final say on what schemes are funded.

Cllr. J.J. Culloty asked why it was not included in the Programme.

In response Mr. Ring said the Council got Guidelines from the Department and most schemes did not qualify. The Department made it clear exactly what they wanted as only a small amount of funding was available to enable schemes to comply with EU standards. The Council has no legal obligation to Castleisland while we have a legal obligation to areas where the schemes are inadequate.

23. Care for elderly and ill patients

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

That the Government inform the public what systems are to be put in place to care for elderly and ill patients. The Home Help scheme reduction by 1 million hours and the Carer's Allowance reduction does not encourage the elderly and long term ill to stay in their own homes and not be a burden on the state.

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

Cllr. M. O'Shea called on the Minister to reverse the cuts to home help hours and carers. In many cases home help hours were reduced and in other case cut altogether. Some elderly people do not have family and depend on their home help. The home help develops a great bond and trust with the client and they often give them more time than they are paid for. Home help is being removed and replaced by a private company who will charge €15 - €18 per hour. This will result in longer waiting lists for beds in nursing homes. Cllr. O'Shea called on the Minister for Finance not to impose any further cuts on those who provide home help and carers in the forthcoming Budget.

Cllr. J.J. Culloty **SECONDED** the motion and said carers and the elderly are affected by cuts. If they are not looked after at home they will end up in the care of the State.

24. Restrictions with traffic calming measures

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

That we the members of Kerry County Council raise concern with the NRA where their traffic calming measures specifications do not allow Kerry County Council engineers any discretion to deal with local problems - reduction of parking spaces and interference to access of residences and public facilities, locals attending Rathmore Church are querying the benefit of narrowing the road carriageway and the placing of islands in the middle of the road.

The following report issued:

Traffic calming measures are designed and installed, in accordance with national design standards and having regard to the statutory provisions of Section 38 of the Road Traffic Act 1994. The works usually include signage, traffic islands, footpaths, lighting and improved definition of the carriageway. The measures are put in place to slow down traffic and to make the location safer for all road users, especially vulnerable road users (pedestrians and cyclists).

The construction of a footpath along this section of the N72 has been the subject of numerous notices of motions previously and the works in Rathmore were approved by Council at it's meeting of the 18th June 2012, having regard to the report on submissions received, following the statutory public consultation process. The measures provided at Rathmore included measures to accommodate accesses and parking requirements, which were incorporated during the construction of the scheme.

As part of the Rathmore works a new footpath has been built from the Church to the school. It is expected that when all the improvements are completed, definition and clarity will have been introduced to what was an open, unregulated and unsafe space and it will raise the awareness of motorists and make this location a better and safer space for all.

Cllr. D. Healy-Rae said he was asked by his constituents to put down this Motion. He visited the area and locals pointed out their issues to him. He approached the Area Engineer and he was informed that the Council was adhering to NRA Guidelines. Apparently the locals were not aware of the public consultation process and did not make their views known. They were unaware of it until the works commenced. Different issues were raised in relation to the works including bus drivers who must turn left to go to the school they must go over the white line because the footpath was kept out so far. A similar situation applies to traffic turning up to Gneeveguilla in that if a large vehicle is coming down traffic must stop. He asked what the benefit of the island is. On the day of a funeral cars must park away from the Church as there is less parking. When a funeral is taking place school buses cannot go by and must park at the Bridge and the school children must walk to the bus. The footpaths are 10ft wide but the road is too narrow.

Cllr. M. Cahill supported the motion and said there is a lot of disquiet regarding these works. The road is exceptionally narrow and people are asking why the island is so wide.

Mr. C. O'Sullivan expressed his surprise as members requested traffic calming measures for this location at Area Meetings. The Part VIII report for these works was proposed by Cllr. D. Healy-Rae and seconded by Cllr. J. Sheahan. The road was narrowed to slow down traffic and adequate provision was made for turning at junctions.

25. Measures to address the long waiting periods for assessment of children with suspected autism.

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

That Kerry County Council call on the Minister for Health to immediately address the long waiting periods for assessment of children with suspected autism.

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

Cllr. T. Ferris said some children are waiting two years for assessment and this is not acceptable.

Mayor T. O'Brien SECONDED the motion.

Cllr. T. Buckley moved Notice of Motion No. 26 on behalf of Cllr. Connor-Scarteen.

26. Funding to complete Phase 1 of the Kenmare Relief Road

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

That Kerry County Council request the Transport Minister Leo Varadkar and the National Roads Authority to allocate funding to complete the first phase of the Kenmare Relief road in 2013.

The following report issued:

Kerry County Council has received approximately €800,000 in funding to date under the Specific Improvement Grant for construction works on the Kenmare Relief Road which will join the R569, Kilgarvan Road, at Killowen, with Railway Road. Further funding has been sought in the submission sent to the NRA under the Specific Improvement Grant scheme for 2013. The amount received will not be known until our allocation is announced at the beginning of next year.

27. Purchase of signage from Kerry suppliers

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

To ask Kerry County Council why they don't purchase signage from local Kerry suppliers considering that these same suppliers are consistent rate payers to these authorities.

The following report issued:

The specification for road signage requires that the supplier is certified by the National Standards Authority in Ireland (NSAI). There are only a limited number of certified road signage suppliers in Ireland, none of whom are based in Kerry.

In the procurement of any services, including the provision of road signs, the Council is required to comply with national procurement guidelines, as directed by the Department of Finance. The selection of the successful supplier is based on cost, fit for purpose of the item quoted and delivery. The rules of procurement do not allow "being a consistent rate payer to the Authorities" to form part of the selection process.

In the case of temporary information signage, such as is used to advise motorists of impending works, Kerry County Council have purchased a significant amount from local suppliers.

Cllr. J. Healy-Rae asked if temporary information signage is tendered for or acquired locally and how can a supplier get certified?

Mr. C. O'Sullivan said signage must be up to a certain standard. There are two suppliers in the country who manufacture signage to this standard. If a local supplier wants to get certification they must invest heavily in their business. Local suppliers provide the orange corrugate type signage used for road diversions etc. At present there are two local companies supplying the signage. However, if other suppliers are in a position to provide the signage they can be added to the list.

28. Provision of a bus shelter in Killorglin Town

Pursuant to notice duly given Cllrs. M. Cahill & J.J. Culloty PROPOSED:

That Kerry County Council demand that Bus Éireann provide a bus shelter in Killorglin Town as a matter of urgency as it is most unreasonable for elderly people, persons attending hospital appointments and mothers with young babies who have to wait for a bus in extreme weather conditions.

The following report issued:

This Notice of Motion was previously moved by Cllr. Cahill at the Ordinary Meetings of Kerry County Council on the 16th January 2012 and the 21st May 2012, where it was resolved that the Council would write to Bus Éireann. The Council had been informed by Bus Éireann that 'the company still considers the provision of a bus shelter in Killorglin as a priority should the appropriate funding mechanism become available.'

Cllr. M. Cahill said it is a disgrace that Bus Éireann has not provided a bus shelter in Killorglin. Many passengers are going to hospital and mothers with young children must wait in the rain. He asked that a strongly worded letter would be sent to Bus Éireann calling on them to provide a bus shelter in Killorglin immediately.

29. Replacement of 2.8km of water pipeline from Coolroe Cross to Flynn's Forge Cross

Pursuant to notice duly given Cllrs. B. Cronin & M. O'Shea PROPOSED:

To request that this Council urgently prioritise the replacement of the 2.8 km of fragile 200mm water pipeline between Coolroe Cross to Flynn's forge cross in view of the substantial amount of breaks in this 40 year old pipeline. Bursts that occur in this crucial mains drains both Barleymount and Laharn reservoirs and results in no water from Barleymount to Milltown.

The following report issued:

There is a total of 7.5km of 'gravity' pipeline, 200mm and 150mm diameter PVC, from the Barleymount reservoir (north of Aghadoe) to Laharn (south east of Milltown) reservoir. These pipelines, which are more than 40 years old, have been subject to frequent breaks in recent years. More than 15 breaks have occurred since 2006 on the 2.8km length of 200mm pipe from Coolroe Cross to the Forge Cross. Three breaks occurred here over two days in August 2012. This is the most low-lying area between the two reservoirs.

The replacement of this 2.8km length which is provisionally estimated at €200,000 would be most beneficial. However, there are other more urgent pipe-replacement works necessary in the greater Mid Kerry area, and this is reflected in the recent approval of grants to the value of €1.183m for replacement of 8km of water mains in Shannara, Ballykissane, Cappagh North, Cappagh South, the Board Of Works Road, Kilgobnet and Douglas, which all form part of the distribution network for the Mid-Kerry WSS.

The Department has indicated that it will consider further applications for funding under the Mains Rehabilitation Programme. The Council intends to make another application and will prioritise the pipeline from Coolroe Cross to Flynn's Forge Cross.

Cllr. B. Cronin welcomed the reply and said this is a critical section of pipeline. Barleymount Reservoir serves Laharn Reservoir with 0.5million gallons of water being stored in Barleymount. This is a gravity flow and the breaks happen near Aglish Burial Ground. The problem is the huge pressure of water on the pipes and any weakness results in a major break and Barleymount and Laharn Reservoirs are drained. He asked that this would be given priority because of the area served by it. In conclusion Cllr. Cronin said it is critical that the line is well vented following repairs.

Cllr. M. O'Shea supported the motion and said when bursts occur on this section of pipe it causes chaos as it serves a large farming area, the town of Milltown etc. It would be cost effective to replace this section of pipe and he asked that an application for funding would be submitted to the Department immediately. Bursts in this section of pipe caused extensive damage to the road network also.

30. Provision of public lighting at Poulgorm Bridge

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

That we the members of Kerry County Council ask the NRA and Kerry County Council to erect public lighting at Poulgorm Bridge, the junction of the R569 with the N22 to enhance safety.

The following report issued:

This issue has previously been raised by Council and submissions were made to the NRA. The junction at Poulgorm Bridge is signed and marked fully in accordance with the standards outlined in the Design Manual for Roads and Bridges. The design standards do not allow for lighting in a rural location and as such the NRA would not permit nor fund the provision of lights.

Cllr. D. Healy-Rae said this is one of the most dangerous junctions in particular at night. The white line to indicate to traffic coming from Kilgarvan to stop is eroded and should be replaced. What he was seeking for this location is what is being provided at Ballyseedy which is also a rural area. He pointed out that Poulgorm is the gateway to the Iveragh Peninsula and also the Beara Peninsula. He understands the bridge was built 11 ft. too close to the Kilgarvan side and it is a blind bend. It is not consistent to say that the NRA will not allow lighting at this location. Lighting should be provided in the interest of public safety. He PROPOSED that the NRA would be invited to a meeting of the Council to discuss this issue.

Cllr. J. Healy-Rae supported the motion and said this junction serves two peninsulas. There were numerous accidents there and it is a health and safety issue. He asked how this location was different from the junction at Ballyseedy where lighting is being installed. He added there is a light on all the time at Brennan's Glen where there was a halting site and he asked that it would be switched off.

Mr. C. O'Sullivan said health and safety relates to safety at work. It was identified that traffic calming measures were required at Ballyseedy. The NRA has a Safety Division who assesses accident statistics and prioritises safety measures. Lighting will not be provided at a junction unless it meets a certain criteria.

31. Additional funding for Housing Grants

Pursuant to notice duly given Each Member of the Killorglin Electoral Area PROPOSED:

That Kerry County Council would write to the Minister for the Environment, Community & Local Government to request that additional funding would be made available towards the provision of Housing Adaptation Grants (Mobility Aids, Housing Aid for Older Persons and Housing Adaptation Grant for People with a Disability) before the end of this year.

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

Cllr. M. Cahill moved this motion on behalf of the members for the Killorglin Electoral Area.

Cllr. J. Healy-Rae SECONDED the motion.

12.11.19.20 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. O'Connell, Beasley and O'Donoghue at the Home Truths Conference on the theme "The Irish Experience of Domestic and Sexual Violence" to be held in Manor West Hotel, Tralee on the 23rd November, 2012.

Cllr. Beasley was nominated to report back to Council on this Conference.

- (d) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. G. Wharton Slattery it was agreed to authorise the attendance of Cllrs. Cahill, Culloty and O'Shea at the Elected Members Training Seminar on the theme "Rights of Way – Recent changes in the law – How Local Government deals with Right of-Way Issues" to be held in The Kingsvalley Hotel, Merlin Park, Galway on the 7th & 8th December, 2012.

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

- (e) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. M. O'Shea it was agreed to authorise the attendance of Cllrs. Beasley, O'Donoghue, McCarthy, D. Healy-Rae and J. Healy-Rae at the Professional Development Conference for Councillors on the theme 'Putting People First – Reform and Strategic Planning for 2013' to be held in Bunratty Castle Hotel from the 7th to 9th December, 2012.

Cllr. D. Healy-Rae was nominated to report back to Council on this Conference.

- (f) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. Cahill, O'Donoghue, O'Shea and Culloty at the Elected Members Training Seminar on the theme 'Maximising Energy Efficiency in the Local Authority to be held at the Kingsvalley Hotel, Merlin Park, Galway on the 14th and 15th December, 2012.

Cllr. O'Donoghue was nominated to report back to Council on this Seminar.

- (g) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Mayor T. O'Brien it was agreed to authorise the attendance of Cllr. M. Cahill at the Elected Members Training Seminar on the theme 'Environmental Implications of harvesting Wind Energy' to be held in Westport on the 23rd and 24th November, 2012.

12.11.19.21 Correspondence General

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

1.	Letter dated 10 th October, 2012 from the Office of the Secretary of State for Northern Ireland regarding (Names withheld for data protection purposes, a paper copy of the unedited minutes is available on request)
2.	Letter dated 11 th October, 2012 from Deputy Michael Healy-Rae in relation to reply received from Minister Jan O'Sullivan regarding the Housing Capital Allocation for 2012.
3.	Letter dated 11 th October, 2012 from Deputy Brendan Griffin in relation to reply received from Minister Phil Hogan regarding funding for water mains rehabilitation.
4.	Letter dated 16 th October, 2012 from RTE regarding the national digital switchover. (Previously circulated)
5.	Letter dated 23 rd October, 2012 from the Office of the Minister for Communications, Energy and Natural Resources regarding the national digital switchover.
6.	Letter dated 22 nd October, 2012 from AIB regarding the closure of the AIB branch at Tarbert.
7.	Letter dated 23 rd October, 2012 from the HSE regarding the Old Health Centre in Kenmare.
8.	Email dated 26 th October, 2012 from the Office of the Minister for Education & Skills regarding work placements for graduates.
9.	Letter dated 1 st November, 2012 from the Minister of State for Tourism and Sport regarding the provision of funding for The Gathering.
10.	Email dated 1 st November, 2012 from the Office of the Minister for Finance regarding the availability of credit for SME's.
11.	Letter dated 4 th November, 2012 from Deputy Michael Healy-Rae in relation to reply received from the NRA regarding funding for the N22 Macroom Bypass.
12.	Letter dated 9 th November, 2012 from Cork County Council in relation to the Macroom and Ballyvourney By-Passes.
13.	Letter dated 13 November, 2012 from the Office of the Minister for Health in relation to Island View House, Caherciveen.
14.	Letter dated 13 November, 2012 from the Office of the Minister for Agriculture, Food and the Marine in relation to a call for financial support for farmers experiencing severe shortage of winter fodder.
15.	Letter dated 14 th November, 2012 from the NRA in relation to the N22 Ballyvourney-Macroom Bypass.
16.	Letter dated 17 th October. 2012 from Offaly County Council regarding a resolution adopted by that authority calling on the Minister for Justice to review government policy to reflect an adequately resourced policing force.

--	--

17.	Letter dated 17 th October, 2012 from Leitrim County Council regarding a resolution adopted by that authority calling on the Ministers for Finance, Tourism and Arts to either extend the artists exemption guidelines to musicians to include the performance of traditional pieces or that publicans be allowed to make tax free payments of up to €25.000 per year for the provision of traditional sessions.
-----	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 Hannah Wharton.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Grady.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Eileen O'Connor.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Daniel Healy.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Dan Connor.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Colin Philips.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Caroline Fleming Whelan.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sylvie Bartlett.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Eileen O'Neill.
- (j) Cllrs. D. Healy-Rae, J. Healy-Rae, M. Gleeson and P. Leahy proposed that a vote of sympathy be extended to the family of the late Hannah Mary Looney.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Foley.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Timothy T. O'Connor.

- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Eileen Kerins.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Raymond O'Mahony.
- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Donal Moynihan.
- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late James (Jimmy) Kelleher.

12.11.19.23 Any other business

Cllr. G. Wharton Slattery referred to the Roads Meeting for the Tralee Electoral Area scheduled to be held on Wednesday week and said this date does not suit all councillors. She asked if the date could be changed.

Mr. C. O'Sullivan undertook to contact all councillors with a view to agreeing a date for that meeting.

The meeting concluded at 5.00 pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry