



September 2009

COLONEL DESMOND TRAVERS APPEARED BEFORE THE FOREIGN AFFAIRS COMMITTEE AT THE INVITATION OF SENATOR MARK DALY



On Thursday 08 October 2009, Colonel Desmond Travers, one of the authors of the UN report on Israeli incursions into Gaza, spoke before the joint Oireachtas Committee on Foreign Affairs as a result of personal intervention on behalf of Senator Daly.

Colonel Travers explained the report of the "United Nations Fact Finding Mission on the Gaza Conflict" highlighting abuses in human rights, international law and the Geneva Convention.

Senator Daly would like to thank Colonel Travers for accepting his invitation and said that "an hour to explain the details of the report is not enough and he would like to extend a further invitation to the Colonel to come back and discuss the matter in further detail."

The evidence brings into sharp focus the EU-Israel Association Agreement. Article 2 of this Agreement states that these relations shall be "based on respect for human rights and democratic principles which must guide internal and international policy."



MINISTER ANDREWS VISITS KERRY



Minister of State in the Department of Health & Children, Barry Andrews T.D., was in Killorglin and Killarney on Friday 25 September.

While there, he met with representatives from the Kerry Family Resource Centres, the Kerry Diocesan Youth Service and the Kerry Adolescent Counselling Service.

NOTRE DAME COMES TO LEINSTER HOUSE



On Wednesday 07 October, students from Notre Dame University studying Trinity College, Dublin were invited to a personal guided tour of Leinster House.

Students were witnesses to Irish legislation in action taking in both the Dáil and Seanad chambers.

'I was delighted to be able to show everyone around the House. I hope that I will get to them in here again during their time in Ireland. I would like to thank the Notre Dame co-ordinators in Trinity College who organised it.' – Senator Mark Daly.

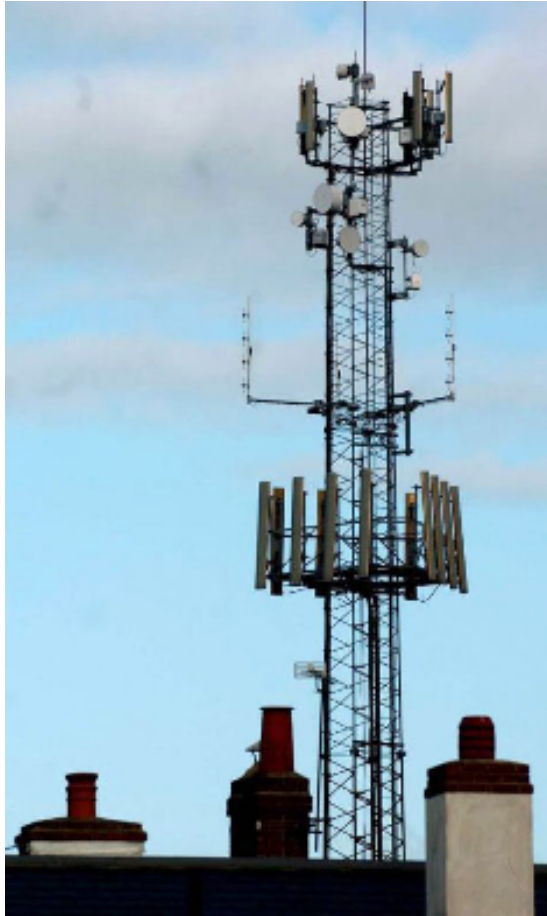
SAM MAGUIRE COMES BACK TO KERRY



Senator Daly with Darren O'Sullivan, captain of the Kerry team, and his father, celebrating with the Sam Maguire Cup.



SENATOR DALY CALLS FOR NATIONWIDE IMPLEMENTATION OF KERRY'S 1km RULE FOR MOBILE PHONE MASTS



Senator Mark Daly has welcomed Kerry County Council's decision to refuse permission for the proposed construction of a 12 metre high mobile phone mast in Glenbeigh, Co. Kerry and spoke in the Seanad this week on the case in Annascaul, Co. Kerry where An Bord Pleanála granted permission for the erection of a mast despite the objection raised by Kerry County Council.

Senator Daly has long voiced his opposition to the plan on a public health and safety basis. Having already expressed his concern over mobile phone masts in previous debates in Seanad Éireann, the Senator cited a personal vested interest in the issue, both his aunt and uncle died of cancer and having lived and worked less than a 1km away from a mobile phone mast.

Furthermore, the erection of mobile phone masts within a kilometre of schools and hospitals is prohibited under Kerry County Council's Development Plan, a rule which would have been broken if the proposed development at Glenbeigh had gone ahead.

The Development Plan states that 'It is the policy of the Planning Authority that telecommunication masts shall not be located within 1 kilometre of residential properties, schools, hospitals or any structures where there are is human occupancy for residential or daily work purposes'.

In recognising the seriousness of the issue, Senator Daly called for Kerry Council's standard rule of 1km to be implemented at a national level and calls on Minister Gormley to include it on the forthcoming Planning and Development Bill. Speaking in the Seanad, Senator Daly stated that 'We must have a national policy in regard to the siting of mobile phone masts. I ask the Leader to facilitate a debate with the Minister which should include consideration of a nationwide provision similar to Kerry County Council's 1km rule in respect of the siting of all masts but bearing in mind the need to provide broadband.'



SENATOR DALY CALLS FOR THE PLANNING & DEVELOPMENT BILL TO BACKDATE PLANNING PERMISSION

Speech by Senator Daly on the Second Stage Debate on the Planning and Development Bill, Wednesday 07 October:

'In answer to the Senator's question as to why we are discussing this Bill now, all legislation needs updating and there are some provisions in the Bill which are most welcome, such as section 23. I have come across several couples who received planning permission in recent years but whose economic circumstances have changed, for example, one or both spouses may have lost their jobs, such that they cannot go ahead with the development of their houses and their planning permission runs out. In rural Ireland if one's planning permission runs out there is no guarantee that one will get it back as planning codes and restrictions tighten. Many couples are paying off mortgages although in effect they own only fields with no value. That is why the provision in section 23 which amends the 2000 Act is most welcome.

This ties into NAMA because, amazingly, the Government will end up owning a great deal of property, some of which has planning permission but which it is not economical to develop. If the permission runs out, however, the value of the land will disappear. For the Government to re-establish value on the land it would have to seek planning permission at enormous cost in architects' fees and levies and so on. That provision is most welcome. The rub, however, is that couples have already lost value in their property where the planning permission has run out and need to seek permission to re-establish value and build a house in the future but may not get the permission.

This Bill was published last May and had it been passed then, some people would have been able to apply for an extension of up to another five years under section 23 without having to go through the entire planning permission process. The Government will also take over planning permission that has run out and will have to spend millions re-applying for permission. I have written to the Minister to ask him to backdate the legislation, if not in the interests of those couples who cannot develop their land and see its value disappear, then in the Government's self-interest so that it does not have to apply for planning permission on properties it will own or take charge of through NAMA. I will table an amendment to backdate the legislation. The Minister has said he wants amendments. All Bills can be improved before being enacted.

I am also concerned about the siting of mobile telephone masts. This Bill is the ideal place in which to regulate for this. There was a problem in Annascaul when Tetra, through Eircom, wanted to place a mobile telephone mast in the middle of the village. There is growing evidence from the European Environment Agency, EEA, about the dangers of mobile telephones and masts. Although the council said that the mast should not be sited in the middle of the village and that there were alternative sites, An Bord Pleanála ruled in favour of Eircom, the mobile telephone mast and the service provider, as it always seems to do. In Kerry there is a 1 km rule for the siting of mobile telephone masts near schools, hospitals or residences. I have asked for a version of that rule to be implemented. It took years to establish the link between smoking and cancer. If a similar link is proven with mobile telephone masts it will be incumbent on the Government to take account of what the EEA calls the precautionary principle. It would have to establish a principle whereby all mobile telephone masts would be situated as far away from the population as is practical. This was the case in Annascaul where alternative sites were available. However, An Bord Pleanála's plan states the committee numbers can go from three to two. God knows what would happen if they disagreed. They would probably end up tossing a coin.'



In the news this month:

01 September 2009:

The Kingdom

Daly sourced Ireland's gift to Ted Kennedy

<http://archives.tcm.ie/thekingdom/2009/09/03/story31322.asp>

29 September 2009:

The Kingdom

Call for Kerry Mast Rules to go national

<http://www.senatormarkdaly.com/site/index.php/news/media-coverage/30-the-community/348-call-for-kerry-mast-rules-to-go-national>