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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMPHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ AR AN LUAN, 19 FEABHRA 2018

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 19TH FEBRUARY, 2018

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

T. Barry	R. Beasley	M. Cahill
P Connor-Scarteen	B. Cronin	J.J. Culloty
P. Daly	T. Ferris	J. Finucane
S. Fitzgerald	J.F. Flynn	N. Foley
M. Gleeson	D. Grady	J. Healy-Rae
M. Healy-Rae	N. Kelleher	M. Kennelly
S. Locke	J. Lucid	D. McCarthy
P. McCarthy	T. McEllistrim	J. Moloney
N. Moriarty	T. O'Brien	B. O'Connell
M. O'Shea	L. Purtill	D. Quigg
J. Sheahan	G. Spring	A. Thornton

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. J. Breen, Director Water Services
Ms. A. McAllen, Head of Finance	Mr. M. Scannell, Dir. Job Cr/Sust. ED
Mr. M. O'Donoghue, Dir.Hsg. & Corp.S.	Mr. C. O'Sullivan, Director of Operations
Mr. B. Looney, Head of IT	Mr. L. Quinlan, Meetings Administrator
Mr. G. O'Brien, A/SEO Plng. & Env.	Mr. T. Brosnan, AO Housing
Mr. O. O'Shea, Press & Comm. Officer	Ms. B. Conway, AO Corporate Support
Mr. J. Griffin, Tourism Officer	Ms. K. Kennelly O'Driscoll, Arts Officer
Ms. B. Reidy, SSO Corporate Support	Ms. O. O'Shea, CO Corporate Support
Ms. M. Conway-Sweeney CO Corp. S.	Mr. B. Clifford, CO Housing

The meeting commenced at 10.35am.

Cllr. J. Sheahan took the Chair.

Vote of Sympathy

Cllr. M. Gleeson extended a vote of sympathy to Mrs. Sheila Kelly and family on the death of her husband John Kelly who served on the Quality of Life SPC. John devoted his entire life as a community activist and a psychiatric nurse and he was the voice of rural Ireland.

Cllr. N. Kelleher supported this expression of sympathy to the Kelly family.

Cllr. S. Locke extended a vote of sympathy to the Moynihan Family on the death of Ted Moynihan who was dedicated to fund raising for the new Palliative Care Unit. Ted was recognised extensively throughout the country for his funding raising efforts which raised in excess of 1m for the Palliative Care Unit.

Cllr. T. Ferris supported this expression of sympathy and extended her sympathy to the family of Martin Houlihan. Michael Day and Brendan 'Transey' O'Sullivan and she added that an enquiry should take place into the treatment of Michael Day by the heavy gang in 1981.

Cllr. D. Quigg supported this expression of sympathy.

Cllr. M. O'Shea extended a vote of sympathy to *(Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request)* on the death of her husband Denis former Chair of the Milltown Fleadh Cheol Committee.

Breakdown of train service

Cllr. N. Foley highlighted that the Kerry train service failed the previous Saturday and passengers were stuck on the train without moving for 4 hours 10 minutes. There was no water, toilet facilities or staff available on the train to update passengers. Some passengers had medical issues and the service was unacceptable. She requested that a letter would issue to Iarnród Éireann seeking an explanation for this interruption to the service and calling for adequate compensation for all passengers.

18.02.19.01 Cathaoirleach's Report on the CPG meeting held on the 13th February, 2018

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

"Agenda for the February Council Meeting

Mr. L. Quinlan briefed the meeting on the Agenda for the February Council Meeting.

Update on proposed Municipal District Plans

Mr. D. Ginty briefed the meeting on the statutory process for the preparation of Municipal District Plans in the context of the County Development Plan. In accordance with Section 14A of the Local Government Act it is a function of full Council to vary a Development Plan while it is a function for a Municipal District to make a Local Area Plan.

Mr. Ginty recommended that the variation to the Town Development Plans and the proposed new Municipal District Plans for Tralee, Killarney and Listowel Municipal Districts be agreed by the respective Municipal Districts and that the following process should apply.

- Draft MD Plans and Draft Variations to the respective Town Development Plans to be brought to respective MDs
- Matters arising/agreement to be sought by respective MDs

- Adoption of MD Plan to be a matter for the Members of the MD in accordance with legislation.
- Agreed recommended Variation to each of the Town Development Plans by respective MDs to be brought to full Council for adoption.

CPG agreed to recommend the process as outlined to full Council.

Training and Development Programme for Councillors 2018

Mr. L. Quinlan stated a letter issued to all members setting out the requirement to adopt a Training and Development Programme for Councillors each year. Members were requested to submit their comments/suggestions on the Programme. The Draft Programme will be brought to March CPG Meeting following which it will be presented to full Council at the March Meeting for adoption.

Update from the Chairs of SPCs

Cllr. S. Locke briefed the meeting on the items considered by the Tourism, Culture, Arts and Recreation SPC at meetings held in December and January and his report will be circulated at the February meeting.

Mr. J. Breen then briefed the meeting on the Statement of Principles Kerry County Council Commemorations 2018 – 2023.

Cllr. N. Kelleher stated the next meeting of the Quality of Life SPC will be held in March. He proposed a vote of sympathy to the family of Mr. John Kelly who died recently who was a valued member of the SPC.

Request for Municipal District honours/Civic Welcome

CPG agreed that Probus would be afforded a Civic Welcome by the members of Tralee MD when they hold their Conference in Tralee in May.

Mr. L. Quinlan reminded CPG that Fr. Pat Ahern would be honoured at a Civic Reception on the day of the February meeting while Mick O'Dwyer would be honoured at the March meeting.

Any other business

Non National Roads Grants

Mr. C. O'Sullivan stated the non-national Road Grants were announced in late January and details were circulated to members. A Schedule of Municipal District Work Plans will be presented to members in the near future.

Members of the CPG emphasised the need for a footpath replacement programme and referred in particular to Rock Street in Tralee.

The Chief Executive confirmed that a footpath programme was vital across the county and that a proposal would be presented to Members in due course.

Proposed visit to Brussels

Mr. L. Quinlan informed members that it is proposed to visit the EU in Brussels on the 25th and 26th April. A letter will issue to members to establish which Members are interested in attending.

The Chief Executive highlighted that it will be an intense programme of meetings over 2 days and all members will be afforded the opportunity to benefit from a visit to Brussels having regard to the proposal that this will be the first of three visits.

Review of Standing Orders

CPG requested that both full Council and Municipal District Standing Orders in respect of the treatment of Notices of Motion would be reviewed by the Procedural Group.

Housing Update

Martin O'Donoghue advised that the Council is currently finalising the Housing Capital Programme 2017-2021, and will be meeting with Department officials shortly on this. An update will be given at the March Council Meeting including an update on changes to current schemes and programmes."

Cllr. J. Finucane called on management to consider recruiting apprentice trades people to train as carpenters, electricians, plumbers etc as it would make a significant contribution to the shortage of trades people in the construction industry.

Cllr. M. O'Shea expressed concern at the delay in commencing construction of the houses in Milltown and also single rural dwellings. A housing applicant for a single rural dwelling was informed their house would commence by the end of 2017 but now they have been advised it will be later in 2018. He requested clarification from management on these delays.

In the context of the review of Standing Orders Cllr. T. Ferris asked that her proposal that Council meetings would be recorded would be considered. She also asked that in relation to the incoming Council in 2019 that Standing Orders would be amended to provide for the use of the D'Handt system for the allocation of positions.

Cllr. P. McCarthy referred to the Roads Programme which would be agreed shortly and he highlighted that with existing staff numbers it will be difficult to complete the roads programme while also carrying out normal maintenance work. He added that the Roadmaster is being used to fill deep depressions on roads but this is not the type of work it is intended to do.

Cllr. M. Gleeson emphasised the importance of having a dynamic group comprising economic leaders who would have a vision of the employment requirement in 5 or 6 years. Mr. O'Leary, Managing Director of Liebherr has indicated that he would like to be involved as his company have experienced difficulty in recruiting staff. This initiative could be linked in with schools in the county.

Cllr. R. Beasley expressed his disappointment at the lack of a response from management in relation to the need for additional staff. Roads are unravelling as water is lodging on them and he again called on management to take on additional

staff to open drains and to take water off the roads. This is a major issue in North Kerry.

Cllr. J.J. Culloty agreed that present staffing levels are too low. Limestone should be put in potholes and then finished with tar. It is a waste of money putting tar into water filled potholes.

Cllr. J. Healy-Rae highlighted that he had requested that temporary staff would be made permanent but that has not happened. He emphasised the need to get back to basics and to open drains, fill potholes and cut overhanging branches. Cllr. Healy-Rae called for the implementation of a drainage programme for each area.

Cllr. A. Thornton referred to the review of Standing Orders and asked when the next CPG meeting would be held. She requested that the way Standing Orders are being interpreted would be reviewed.

Mr. Quinlan advised that the next CPG meeting would be held on the 6th March.

The Chief Executive highlighted that the Capital Office manages one of the biggest housing capital programmes in the country and having this unit in place is the best way to deliver the housing programme. The delivery of larger housing programmes has been given priority over single rural dwellings. A meeting is scheduled to take place with Department officials shortly and a report will be presented to the March meeting. In excess of 600 houses will be built from 2018 to 2022 excluding turn key developments. The Chief Executive advised members that she was satisfied with the progress on the housing programme. A drainage programme will be brought to members in the near future. In response to queries regarding staffing and the Machinery Yard Ms. Murrell advised that the Council is engaging with Unions and she would revert to Council at a later date. As the Road Grant Allocations have now been received she would consider staffing levels. The review of Standing Orders could take up to 12 months as there are a number of issues to be considered. From 2014 Standing Orders were implemented for Municipal District for the first time and management reports to MDs are very detailed and specific. The number of Notices of Motion must be considered and how requests for motions are treated.

Cllr. A. Thornton highlighted that up to recently there was a certain interpretation of the way MD business was conducted but that changed recently. She asked that the treatment of Notices of Motion until the recent change would be allowed to continue until Standing Orders are reviewed. The resubmitting of Notices of Motion on ongoing issues highlights the need for extra staff. It is taking 4 weeks to fill potholes on tertiary roads and this is too long. Members have an understanding with management in relation to motions on the North Kerry Greenway but it would be remiss of members not to raise issues of concern to their constituents.

Cllr. M. O'Shea asked how many staff are assigned to the Capital Unit.

In response the Chief Executive highlighted that Kerry County Council has exceeded the targets set by the Department by 40%. The Capital Unit delivers the construction programme but the Housing Department delivers other parts of the Housing Programme i.e. RAS, Turn Key etc.

18.02.19.02 Confirmation of Minutes

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. B. O'Connell it was resolved that the minutes of the January Ordinary Meeting of Kerry County Council held on 15th January 2018 be confirmed.

18.02.19.03 Chief Executive's Report to Council

The Chief Executive read the following report into the record of the meeting:

“Finance Directorate

As agreed with the Members, a Financial Report for Members will be provided on a quarterly basis in line with the Quarterly Reporting Process for Income and Expenditure already in place to the Department of Housing, Planning Community & Local Government. The Qtr 4 Financial report will be set out in the Chief Executive's Report presented at the March Council Meeting.

Infrastructure, Operations, Health & Safety Directorate

Non- National Road Grants

The 2018 Regional and Local Road Grant Allocations were received at the end of January, details of which were circulated to all the members. The overall allocation of €18.9m, represents a €2.35m increase on the 2017 allocation. The allocations include €1.8m for the Dingle Inner Relief Road; €750,000 for the Tralee to Fenit Road Improvement Scheme; €477,500 towards drainage of the road network and €200,000 for the Tralee Northern Relief Road. The Schedule of Municipal District Work Plans are currently being drafted and the Director of Services will be engaging with the members on developing the programme.

Economic & Community Development Directorate

Kerry Local Enterprise Office

The Local Enterprise Office is presently awaiting confirmation of its 2018 budget from Enterprise Ireland. The office has commenced its 2018 calendar of activities. The first Business Start Up programme has now been completed in Tralee and a further programme is ongoing in Killarney. The Retail Development Programme has completed recruitment with a shortlisting process underway. A further series of Digital marketing programmes is being promoted.

Kerry County Council hosted the Regional Finals of the Ireland's Best Young Entrepreneur Competition on the 16th January with Minister Pat Breen and the Cathaoirleach, John Sheahan presenting the awards. Work has also commenced on the National Enterprise Awards.

The office hosted a Trading Online Seminar in Mid January with over 50 businesses in attendance and the county has been allocated a preliminary allocation of 44 vouchers.

A series of events have been scheduled for the Enterprise Month scheduled for March with the Local Enterprise Office organising events for the first week. Five projects have been received for assessment by the Evaluation Committee for the first meeting of 2018.

A total of 123 individuals/businesses have booked into the LEO Programmes in January 2018.

Tourism Section

OUR KERRY BRAND GUIDEBOOK

Following the official launch last December, of the Kerry Destination Brand, a Brand Guidebook has been developed. The tourism sector and all organisations or businesses associated with tourism, throughout the county, are being encouraged to use this new brand and associated logos to market County Kerry both nationally and internationally, and ensure widespread brand recognition.

CMT STUTTGART 2018

The Tourism Unit, working with the Destination Kerry Tourism Forum and tourism providers across the county, arranged for several representatives of Kerry's tourism industry to attend CMT Stuttgart again this year which is Europe's largest public exhibition for tourism and leisure. A brochure on Kerry's tourist attractions and promoting the entire county, translated into German, was widely distributed at the event which will help strengthen our growing German market.

VALENTIA TRANS-ATLANTIC CABLE PROJECT

The possibility of the Valentia ensemble of Trans-Atlantic Cable sites being inscribed on the UNESCO World Heritage list took a major step forward in December with the announcement that the Canadian Government had placed Valentia's sister station in Heart's Content, Newfoundland on the Canadian UNESCO Tentative List. Kerry County Council has been a supporter of the Valentia project from the outset, has and is working closely with relevant government departments and other agencies and through the provision of funding.

DINGLE PENINSULA/CORCA DHUIBHNE VISITOR EXPERIENCE

Faite Ireland has launched its Wild Atlantic Way public consultation on the development of the Visitor Experience Development Plan for the Dingle Peninsula/Corca Dhuibhne. Kerry County Council will be working alongside Faite Ireland on the preparation of this important strategy for West Kerry.

THE SKELLIG COAST TOURISM NETWORK

This Network, which is supported by Kerry County Council is working on a number of key actions included in the Skellig Coast Visitor Experience Development Plan. The network, with the support of Kerry County Council, Fáilte Ireland and Udarás na Gaeltachta, are currently working on a number of key actions including a networking event which will be held on Feb 19th in Valentia.

Community Department

LEADER Programme

A meeting of the Kerry LCDC led Local Action Group (LAG) was held on Monday, 22nd January 2018. 14 no. projects under the Basic Services Targeted at Hard to Reach Communities Sub-theme, supported by North East West Kerry Development Company (NEWKD) were presented for approval at the meeting. Following a detailed consideration of each of the projects, 14 no. projects were approved for funding with a cumulative value of €463,988.

Also, 2 no. projects under the Basic Services Sub-theme, supported by IRD Duhallow Clg , under the Rural Tourism and Rural Youth Subthemes respectively, were presented for approval at the meeting.

Following a detailed consideration of each of the projects, both projects were approved for funding with a cumulative value of €24,464.

21 no. circulars issued by the Department of Community and Rural Development to date, along with the revised Operating Rules for the LEADER Rural Development Programme 2014-2020 were considered by the members at the January LAG meeting. Revised procedures in relation to the LEADER process were adopted accordingly.

Social Enterprise Development Fund

The Social Enterprise Development Fund is a €1.6 million fund which will be delivered over two years, 2018 – 2020. The fund was created by Social Innovation Fund Ireland (SIFI) in partnership with Local Authorities and funded by IPB Insurance and the Department of Rural and Community Development which provides matching funding for all funds raised by SIFI, through the Dormant Accounts Fund.

The objective of the fund is to find and back social enterprises that add to the social and economic fabric of their community by way of social impact. The fund will provide critical support to social enterprises across Ireland which are innovative and have the most impact, helping them to:

- Increase their social impact
- Increase their traded income
- Create more jobs
- Develop long-term, effective and sustainable solutions across Ireland

The deadline for receipt of applications under the Social Enterprise Development Fund is 28th March 2018. Applicants must apply online at socialinnovation.ie/social-enterprise-development/.

2018 Community Support Fund

A total of 320 applications were received for funding under the 2018 Community Support Fund. Applications are currently being processed and assessed. It is anticipated that notification to applicants will issue prior to mid-March to facilitate St.

Patrick's Day festivals. €210,000 is also retained in 2018 as a strategic fund to leverage funding from state grants across the 4 MDs.

Community Awards 2018

The 2018 Community Awards competition was launched in January. The Awards Event is scheduled for the 10th of May 2018. The objective of this scheme is to recognise, reward and encourage the efforts of the community and voluntary sector, which works to improve the social, economic, cultural and environmental quality of life in our local communities.

Planning and Sustainable Development

Vacant Sites Levy

The Urban Regeneration and Housing Act 2015 introduced a vacant site levy which can be applied annually by a local authority at a rate of 3% of the market valuation of the vacant site.

The levy is intended to act as a site activation and release mechanism to incentivise the development of vacant or idle sites in urban areas identified by planning authorities. The levy also intends to ensure a more efficient return on State investment in enabling infrastructure and to counteract unsustainable urban sprawl.

A vacant sites register has been set up in accordance with section 6 of the Act and Kerry County Council will explore the use of the register and levy in areas where there are large tracts of residentially zoned but undeveloped lands and where there are distinct pressures for housing. A further discussion on this is planned as part of the Housing Programme 2017 - 2021 which will be brought to the March Council meeting.

Water, Environment, Fire & Library Services Directorate

2018 Anti-Dumping Initiative

Kerry County Council has been notified by the Department of Communications, Climate Action and Environment of the 2018 Anti-Dumping Initiative – “Empowering People to Engage and Help the Environment”. Funding will be made available again this year to support local Authorities and Community Organisations in addressing dumping black spots and targeting those who show such disregard for their Communities and Environment. Kerry County Council received €40,000 under the 2017 Anti Dumping Initiative. Projects funded under the initiative included a number of Specialist covert camera Surveillances as well as the purchase of Static & Trail Cameras, removal of illegally dumped waste, Advisory Anti-Dumping signage procured, camera and bulky waste intake

Housing & Corporate Directorate

The Council is currently finalising the Housing Capital Programme 2017-2021, and will be meeting with Department officials shortly on this. An update will be given at the March Council Meeting including an update on changes to current schemes and programmes.”

The Chief Executive added that the Kenmare Casual Trading Bye-Laws can now be made and they will be brought to a meeting of the members of South and West Kerry MD. She acknowledged the work of staff and members of the MD in getting the Bye-Laws to this point.

Cllr. P. Connor-Scarteen welcomed the substantial increase in funding for regional and local roads and the proposed drainage and footpath programmes. He commended the work of the Tourism Department and called on them to develop a walking package that visitors could do over a number of visits to the county. Kerry has the best walking routes in the country and more needs to be done to market them. Cllr. Connor-Scarteen thanked the Operations Department and in particular Mr. P. Teahan on their efforts to regulate casual trading in Kenmare and also the Chamber Alliance. As a result of the withdrawal of appeals the decision of the District Court on the Kenmare Casual Trading Bye-Laws stands and the Bye-Laws must be ratified by the South and West Kerry MD. If necessary he asked that a special meeting would be convened for this purpose as it is essential that the Bye-Laws are in place prior to the tourism season.

Cllr. J. Moloney highlighted the importance of progressing the anti-dumping initiative and while the Council has a list of black spots the law is on the side of the perpetrator. He called on the Council to adopt a 'Name and Shame' campaign and to give priority to targeting the list of known black spots. Cllr. Moloney then referred to the Community Support Fund and stressed that Listowel MD would contribute the same percentage to countywide projects as the percentage of the overall fund they receive.

Cllr. A. Thornton concurred with the views expressed by Cllr. Moloney in relation to the Community Support Fund and she welcomed the increase in the roads budget. €210,000 has been withheld as a strategic fund to leverage funding from state grants across the 4 MDs and she stated that any assistance that can be given to projects in North Kerry would be greatly appreciated. There is no increase in funding for beach cleaning in Ballybunion and she asked if some this strategic fund could be focussed on Blue Flag beaches.

Cllr. M. O'Shea welcomed the Council's support for the Valentia Transatlantic Project. At the December meeting he expressed concern at proposals to dump material from the dredging of Dingle Harbour off Dun Shean Head and he indicated that the EPA had admitted there was a clerical error in the permit that would be amended. Cllr. O'Shea stated he fully supported the dredging of Dingle Harbour and he called on the Chief Executive and Mr. Breen to enter into meaningful discussions with the EPA to ensure a new application will have to be submitted.

Cllr. J. Healy-Rae concurred with the views expressed by Cllr. O'Shea and added that the dumping of the material so close to the Bay could have put people's livelihoods in jeopardy. He asked that a meeting would be sought with the EPA immediately and that a number of councillors would attend this meeting also. Cllr. Healy-Rae asked what implication the 3% vacant site levy will have on sites where outline permission has been secured and for areas zoned in Phase 1 and Phase 2 in Local Area Plans. He further asked if the levy will apply to all land zoned and presumed vacant regardless of the circumstances. Cllr. Healy-Rae sincerely

thanked Mr. P. Teahan for helping to resolve the casual trading issues in Kenmare. He also thanked Mr. M. O'Donoghue and Mr. J.D. Flynn for their involvement. He asked when the Kenmare Casual Trading Bye-Laws would be formally made and if the funding is in place to implement them prior to the tourism season. In conclusion he asked that officials would meet with the Chamber Alliance to explain the process to them.

Cllr. S. Fitzgerald referred to Cllr. O'Shea's contribution and pointed out that the Department of Agriculture, Food and the Marine identified the site where the silt would be disposed. The previous week the EPA stated that the site remained the same regardless of the error and the Department is satisfied they complied with legislation. Cllr. Fitzgerald indicated his interest in the proposed UNESCO World Heritage Site at Valentia as he was involved with this project when he was Cathaoirleach. The Cable Station connected the old world with the new world and it revolutionised communications. He is in contact with the local committee and he was delighted President Higgins recognised their efforts and visited Valentia recently. If this bid is successful it will be of enormous benefit to South Kerry. The slate yard which is for sale is designated as an opportunity site and it is vital that it is acquired by the Committee and the Council. Cllr. Fitzgerald urged the Chief Executive to meet with the receivers with a view to acquiring the site even through CPO.

Cllr. N. Moriarty then moved Notice of Motion No. 24.

24. UNESCO status for The Valentia Cable Project

Pursuant to notice duly given Cllr. N. Moriarty PROPOSED:

That we write to all relevant Government parties and seek immediate progress in the application for UNESCO status for The Valentia Cable Project. Our Canadian counterparts have surged ahead with their side.

This is a matter for consideration by the members.

The following is the up to date position:

VALENTIA TRANS-ATLANTIC CABLE PROJECT

The possibility of the Valentia ensemble of Trans-Atlantic Cable sites being inscribed on the UNESCO World Heritage list took a major step forward in December with the announcement that the Canadian Government had placed Valentia's sister station in Heart's Content, Newfoundland on the Canadian UNESCO Tentative List. Kerry County Council has been a supporter of the Valentia project from the outset, has and is working closely with the Valentia Island Development Company, Department of Culture, Heritage & the Gaeltacht, Department of Tourism, Transport & Sport, Fáilte Ireland, Newfoundland-Labrador Provincial Government and the recently formed Valentia Trans-Atlantic Cable Foundation. The Council has funded two international reports focussing on the outstanding universal value and integrity of the sites in support of the Valentia UNESCO application and also part-funded the restoration of the Cable Station roof in Knightstown. Meetings with relevant agencies and departments at a senior level are continuing. The UNESCO

designation for Valentia as the birthplace of global communications is a specific objective of the Kerry County Development Plan, 2015-2012 and the Kerry Tourism Strategy, 2016-2022.

Cllr. Moriarty echoed the sentiments regarding the need to protect these sites. This project is based in the community and they want to bring it to fruition. Potentially there could be 2 UNESCO sites side by side and the business opportunity this project presents is enormous. The Government is scheduled to put the Valentia Trans-Atlantic Cable Project on the tentative UNESCO list for 2020 but this is too far away. She called on the Government to put this project on the list sooner.

Cllr. T. Ferris supported this call.

Cllr. S. Locke highlighted that the problem of illegal dumping is getting worse. Many volunteers are involved with Tidy Towns Committees but there is continuous illegal dumping in estates which needs to be addressed. The penalty does not fit the crime and fines should be increased.

Cllr. M. Gleeson highlighted that he lives in an area where there is great commitment by individuals to clean up their area. However, because of the extent of the illegal dumping it is a difficult to keep them supplied with green bags. Killarney Looking Good will launch a 'Cup' initiative whereby if the customer brings their own cup they will get a coffee at a slightly reduced rate. He hoped this would help to reduce the desecration taking place from the disposal of paper cups.

Cllr. N. Foley then moved Notice of Motion No. 14.

14. Ban on the use of single use plastics e.g. cups and utensils

Pursuant to notice duly given Cllr. N. Foley PROPOSED:

That Kerry County Council would move to introduce a ban on the use of single use plastics, e.g. cups and utensils, in a concerted effort to be more environmentally friendly. Local Authorities have an important role in leading change in society.

The following report issued:

Kerry County Council have adopted the Southern Region Waste Management Plan. The Plan sets waste management policy for the region but also places obligations on local authorities in relation to the manner in which they manage waste.

Policy Action B.2.4 states that each local authority should maintain, develop and integrate waste prevention measures and systems into all local authority offices and operations to best practice standards. A target has been set to reduce the quantity of waste generated at local authority head office by at least 10% over the baseline year (2015) during the plan period.

Kerry County Council are working with the Southern Regional Waste Management Office, in order to achieve the target of reduction in waste generated at Aras an Chontae by 10%.

The following initiatives are planned for 2018.

- **Eliminating the use of single use packaging, particularly cups**
- **Segregated office waste management system**

Kerry County Council will be phasing out the use of disposal cups at Aras an Chontae during Quarter 1, 2018. To support the initiative and the reduction in the use of disposable cups in the organisation, Kerry County Council will be providing KCC branded reusable cups for use at the County Building Campus.

Cllr. Foley welcomed the reply and added if Kerry County Council shows leadership others will follow.

Cllr. M. Gleeson SECONDED the motion and stated that a Tralee school will provide students with a bottle which they can fill with water and potentially this could save the school from having to dispose of 1,000 plastic bottles a day. Hopefully other schools will follow their example.

Cllr. T. Ferris referred to Cllr. O'Shea's comments in relation to the disposal of silt from Dingle Harbour and stated this is a county wide issue. Soil is being removed from Dingle and is being transferred to a site in North Kerry. She asked the Environment Department if soil testing is being carried out and it appears the soil is not contaminated. She understood the soil is being taken to one site and she called on the Council to establish how this site was chosen. If the landowner is being paid she presumed that there would be equal opportunities for other farmers. Illegal dumping is a significant problem in the Tralee MD and it has escalated since Kerry County Council exited the refuse collection business. In conclusion Cllr. Ferris asked that dog fouling would be addressed.

Cllr. M. Healy-Rae highlighted that people are being forced to dump refuse because of the increased charges. She welcomed the proposed Footpath Programme and while she acknowledged that priority will be given to areas where there is a large footfall, villages need attention also. It was a condition of planning that a developer in Barraduff would provide a footpath but this did not happen. She asked why this condition of planning was not enforced.

Cllr. R. Beasley stated that illegal dumping is getting out of control and there are just 3 Litter Wardens for the county. If it was not for the work of Tidy Towns Committees the county would not look as well as it does. People dump fast food cartons, drink cups etc. and there is no-one there to see them and to prosecute them. The problem of dog foul on footpaths has not been addressed again due to the lack of an adequate number of Litter Wardens.

Cllr. P. Daly welcomed the anti-dumping initiative and added that Sinn Féin carried out a survey in a housing estate and the results indicated that since the refuse collection service was outsourced and a fixed monthly charge was introduced people cannot afford the service and will dump their refuse. Cllr. Daly noted the allocation of €200,000 for the Tralee Northern Relief Road and he asked when work on the ground would commence.

Cllr. T. Barry concurred with the views expressed by Cllrs. Moloney and Locke in relation to illegal dumping which is a major issue and he agreed the fine does not fit the crime. Shopping trollies are being dumped in some housing estates and shops must address this. In conclusion Cllr. Barry agreed with Cllr. Healy-Rae that there is

a direct link between the increase in refuse charges and the increase in illegal dumping.

Cllr. M. Cahill referred to tourism and stated that the German market is vital for tourism in Kerry. While he acknowledged that the Wild Atlantic Way has been a huge success he called for a viewing area outside Cahersiveen and he called on the Tourism Department to pursue this. A Traffic Management Plan is urgently needed for Killorglin and a new bridge should also be considered. He recently got a quotation of €8,000 for a single light at Rossbeigh Bridge which in his opinion is excessive. The public are asking if this and other quotations represent value for money. Cllr. Cahill asked that clarification would be given at the Special Roads meeting on how private companies can do work cheaper than the Council.

Cllr. J.J. Culloty acknowledged the work of Tidy Towns groups and he agreed that there is a correlation between the increased charges and the increase in illegal dumping. He placed leaflets for the Killarney Mountain Festival on the desks for members, officials and the Press and he asked everyone to note the excellent line up of speakers. He thanked Kerry County Council for supporting this initiative and he asked that it would be promoted.

Cllr. M. O'Shea stated the EPA should not make mistakes and he asked that the Department of Agriculture would have to submit a new application.

The Chief Executive advised that some of the strategic fund could be allocated to projects to address illegal dumping, Blue Flag Beaches, dog fouling etc. She advised members that there were 11 convictions for illegal dumping over the past 12 months and staff are actively pursuing illegal dumping with a view to prosecuting those responsible. In response to queries regarding the making of the Kenmare Casual Trading Bye-Laws the Chief Executive confirmed that a meeting of the South and West Kerry MD will be convened for this purpose. She hoped there would be significant progress this summer and a plan will be drawn up and brought to members. In relation to Valentia Cable Station she received written confirmation from the National Monuments Service that the ½ acre site available in Knightstown directly adjoins the building from which the first message was sent to Canada. They confirmed that the field is integral to the complex of sites which were part of the operation of the Valentia Transatlantic Cable Station, being the place where the cable was initially brought ashore and forming part of the original viewshed from the first message building. The National Monuments Service agreed that appropriate custodianship and maintenance of the site is key to the integrity of the complex in the event of the nomination of Valentia Cable Station as a World Heritage Site to UNESCO. The Chief Executive advised that for this reason, it is important that the site is protected. The Council's submission on the Regional Spatial and Economic Strategy was prepared without having seen the National Planning Framework which was published the previous Friday. This is a sizable document which will take time to study. Kerry County Council is positioning itself in a regional context which is important. In conclusion she urged members to read the submission to the Regional Assembly.

Mr. J. Breen confirmed that the issue of the dumping of silt from the dredging of Dingle Harbour was brought to the attention of the Council and officials had discussions with the EPA. A meeting can be requested with the EPA if that is the wishes of the

members, however, it was the EPA who granted permission to the Department of Agriculture. In response to members' comments on illegal dumping Mr. Breen highlighted that 900 complaints were received in 2017 and 200 fines were issued. Members of public are encouraged to report illegal dumping and each complaint will be investigated.

Cllr. G. Spring welcomed the convictions and asked what was the maximum fine and does the fine reflect the volume of material dumped.

Cllr. D. Grady agreed that illegal dumping is on the increase. Dog foul is a constant problem for people who want to go for a walk but their shoes are destroyed by dog foul.

Mr. J. Breen advised members that fines are a matter for the Judge to decide and the normal fine is €500. Staff will go through all receipts etc. to link the refuse to a person. If anyone sees a person littering or a dog walker leaving dog foul behind they should report it.

18.02.19.04 Local Area Boundary Committee

Mr. M. O'Donoghue referred members to his report dated 13th February 2018, together with a series of maps, on this item which was circulated. This is an extensive report to assist members in making a submission if they choose to make a collective submission. The closing date for receipt of submission was 5pm that day. Mr. O'Donoghue confirmed that he would be guided by the debate and it would be helpful if members could agree broad themes. He advised that included in the report and maps are the original 5 options (1-5). An additional Option 6 has been included to incorporate some of the views expressed by the Elected Members. In addition, as agreed Option 7 has been added as submitted by Sinn Féin and Option 8 added as submitted by Cllr. Kelleher.

In preparing the final submission, it is proposed that the following themes would be included in the submission as indicative of broadly agreed Council positions:-

- Members feel that the level of representation is a primary consideration. That average representation across the LEAs in Kerry should be within the variance of +/- 10%.
- While noting the intent to establish LEAs based on the Census Town concept, Members were strongly of the view that the LEAs based on the 2 larger towns should be broader and include a broader rural area to reflect the local influence of the Towns, local identity, geography and the many unique attributes in each of the respective areas;
- Members felt that the representation levels and average should take precedence where this may conflict with Census Town approaches.
- Castleisland Town and hinterland should be retained together and should form a broader Tralee LEA (exclusive of the Town Area) within the greater Tralee Municipal District.
- Listowel LEA/MD should retain its existing Membership and noting its current population, additional LEAs should be included;
- Kilflynn and surrounding areas should not be split as they are currently;

- Derrymore and the broader area should continue to be aligned with Tralee.

Cllr. S. Locke expressed concern that a review is being undertaken when the last review took place in 2014. There are 8 options set out in the report and some councillors also made their own submissions.

Cllr. M. Gleeson highlighted that there is regret over the abolition of the Town Councils as it was too radical. This removed the focus of economic drivers for entire areas and that was evident to him in Killarney. He believed Killarney Parish, because of its size and population, would constitute a sensible option and it would enhance and enrich the area. Cllr. Gleeson confirmed that he already made a submission and for that reason he would not support any other option.

Cllr. J. Finucane PROPOSED that each political group would make their own submission.

Cllr. T. Ferris supported this proposal and added that she understood that Mr. O'Donoghue was trying to get broad agreement on the principals. To ensure better local government this is an essential process as communities were not served well by the changes in 2014. It is essential that Castleisland is an MD on its own or an LEA within an MD. The town has suffered and members should try to ensure that communities do not feel disconnected from the town they are associated with. Every community should feel they are represented and the geographical make up of MDs should ensure the best representation possible. She appealed to members to look at the bigger picture.

Cllr. B. Cronin highlighted that members were briefed on this item previously and while it may not be possible to reach broad agreement a unified view on representation for the broader county would carry more weight. This is the 3rd boundary change in 10 years. The 2014 review resulted in the South and West Kerry MD which geographically is very widespread. Castleisland should be united in this review. Cllr. Cronin added that he made a submission to keep the area compact and unified. In 2014 Killarney lost its Town Council but the MD got additional members. If the Census based model for an urban based area is used it will result in 5 seats for that small geographical area while there will be just 3 seats for a vast rural area. In his opinion this would not allow for adequate representation. Cllr. Cronin stated that he believed Options 4 and 5 would be best for the Killarney area.

Cllr. D. Grady stated that he believed the intention behind this review is to get rid of smaller political parties and independents. Having examined all of the options the only option for Killarney town is Option 3 but it does not include all of the appropriate areas. Cllr. Grady listed a number of DED's that should be included/excluded to best represent Killarney. He indicated his support for Option 3 for Killarney if some amendments were made.

Cllr. J. Healy-Rae stated he believed that last review benefitted the larger parties but it is now proposed to make the representation per MD smaller. No matter how the South and West Kerry MD is divided the 9 councillors will represent the area. These 9 councillors will collectively make decisions for the MD and the only difference is that people on one peninsula or the other will not get to vote for all 9 members. The

electorate should be allowed to vote for whoever represents them. Cllr. Healy-Rae highlighted that he is an independent councillor in one corner of the MD but he has no difficulty covering the entire MD. The Iveragh and Dingle peninsulas are almost identical in that they both have Gaeltacht areas and they are rural farming areas with indigenous industries. Either peninsula did not have a Town Council. The Terms of Reference for the review stated that the maximum number of members per MD will be 7 with a minimum of 5. Regardless of how the South and West Kerry MD is divided this cannot be achieved. Cllr. Healy-Rae highlighted that he made a submission that in the case of South and West Kerry MD it would remain unchanged. In conclusion Cllr. Healy-Rae emphasised that people should be in an area they are aligned to.

Cllr. M. Healy-Rae indicated she would like to see the Killarney MD remain as it is but in accordance with the Terms of Reference that is not possible. While there is an expectation that Castleisland will be removed from the Killarney MD she would not like to see that happen. At the briefing there was consensus that Options 4 or 5 would be best for Killarney but she did not agree with a 4 plus a 5 seater option. 706 people were accounted for in the last Census as living in a communal area in the town. Many of these were staying in hotels, B&Bs etc and they have no connection with the area yet that is dictating how the MD will now change. Scartaglin and the surrounding hinterland was always in the Killarney electoral area and it is now proposed to remove it and to align it with Castleisland. This is wrong as Killarney is their town and is their identity. If there is a new LEA of Castleisland Cllr. Healy-Rae suggested that Kilflynn and Kilfilem would remain in Tralee.

Cllr. M. Cahill highlighted that the frequency of boundary reviews makes it difficult both for members and the electorate. He believed there should be minimal adjustments to MDs and that just one seat should be added or removed from each MD.

Cllr. N. Kelleher advised that in his opinion the Terms of Reference for the review are not fair. The suggestion that an MD could have 2 LEA does not make sense as the entire membership of the MD would make decisions for all LEAs. He would have a preference to leave the Killarney MD as it is but that is not possible under the Terms of Reference. For the last Census tourism numbers were up in Killarney and that is distorting the position for this review. He understood the concerns of members that there would be under representation of rural areas and that would be wrong. In the interest of being practical Cllr. Kelleher indicated his preference for Option 6.

Cllr. P. Daly stated that the issue is Castleisland and the abolition of the Town Councils. The new structure implemented in 2014 has resulted in housing applicants in the Tralee area being on the housing list for a year longer than previously.

Cllr. P. Connor-Scarteen stated he wanted to ensure the Kenmare and the surrounding areas of Sneem, Tuosist etc. remains intact. He was not satisfied with any of the options presented. If the South and West Kerry MD must be split the Iveragh peninsula should be 6 seats rather than 5 as it is a big area. Kenmare is 42km from Killarney but if a new urban area for Killarney was agreed it could be put with Kenmare.

Cllr. B. O'Connell stressed that Castleisland has been under represented and since he was first elected Castleisland has been in the Dingle, Tralee and Killarney electoral areas. At virtually every boundary review Castleisland is changed. Scartaglin and Cordal are part of Castleisland Parish and it would make sense to leave them with Castleisland.

Mr. M. O'Donoghue reminded members that the closing date and time for receipt of submissions was 5pm that day. Members can decide that there is no agreement and that a submission would not be made but as the primary democratically elected body a submission should be made on behalf of the members of Kerry County Council. He asked members if they could agree the principals which he outlined earlier and which are included in his report. He acknowledged that there are mixed views and that the regular redefining of boundaries is unsettling for the public. Members should agree an urban focus and linkages with larger population centres. In the options outlined by and large populations are retained +/- 10%. The current boundaries of Tralee and Killarney are too narrow and there is no dissention regarding the boundary for Listowel.

Members agreed the set of guidance outlined in the report.

Mr. O'Donoghue stated as there was not widespread agreement if members wished they could be asked to indicate their individual preference.

Cllr. T. Ferris stated Castleisland could be an MD in its own right.

The Chief Executive informed members that the Terms of Reference clearly states that the number of MDs should be retained and she agreed with this from an administrative point of view.

Cllr. Ferris stated in that case Castleisland could be an LEA in the MD and with amendments only those elected would be entitled to make decisions for the LEA.

The Chief Executive advised that with the strictest interpretation of the Terms of Reference this would distort the population ratio.

Cllr. N. Kelleher highlighted that in taking the strictest interpretation of the Terms of Reference and taking out the towns it will be within +/- 10%.

Cllr. J. Healy-Rae referred to the 700 people accounted for in Killarney in communal areas at the last Census which form part of this review and he stressed that this could change the boundary of Killarney which is wrong. The Terms of Reference should be amended to take account of this and other issues.

Following further discussion members were asked to indicate their preference for the options presented but none of the options had unanimous support.

It was agreed that the submission would indicate the preferences expressed by members on individual options.

18.02.19.05 Regional Spatial and Economic Strategy

Mr. M. Scannell referred members to report dated 15th February 2018 on this item which was circulated. He briefed them in detail on the report.

The Chief Executive highlighted that the submission was prepared in the absence of the National Planning Framework which was published the previous week. Management will now study the NPF and will revert to Council. She added that growth and development in Cork and Limerick does not mean growth in Kerry. There are two issues in the Plan that are very important for Kerry (1) growth of regional towns and (2) growth of the Shannon area and this would allow for access to markets. Kerry County Council's submission identified the knowledge triangle and she believed that the level of economic activity in that area can contribute to the growth of the region. It is vital that a strong case is put forward on behalf of the county and the case for Kerry was made to the Regional Assembly the previous week.

Cllr. J. Finucane highlighted that the National Planning Framework and the Regional Spatial and Economic Strategy are critical for the future development of the county. In a rural area a 3 storey former business premises is for sale for just €75,000 and unless something is done in the next 12 months to help rural villages they will become depopulated. The Advance Unit in Tralee is still vacant and this is not acceptable. Unless we secure employment or the government gives an incentive to businesses to locate in Kerry nothing will happen. The Council could offer a rates rebate to new business for 5 years and there should be a specific focus on villages who are losing Post Offices, schools etc. While these plans are aspirational he asked that the next part of the process would see time frames set out.

Cllr. D. Quigg acknowledged the work that went into preparing the submission. For years the western seaboard has been under developed. Garda Stations and Post Offices have been closed and this is another attack on rural Kerry. Kerry depends on tourism and Cllr. Quigg asked what the outcome of BREXIT would be. Rural communities depend on community groups applying for LEADER funding etc. for projects to support their areas.

Cllr. M. Gleeson then moved Notice of Motion 25.

25. Roll- out of Broadband in Kerry

Pursuant to notice duly given Cllr. M Gleeson PROPOSED:

That this Council calls for clarification into the matter of responsibility for the roll- out of Broadband in Kerry. At present there is considerable confusion in relation to where this responsibility rests and in relation to the seemingly arbitrary manner in which Eir terminates its area of responsibility, thus leaving residents further along a given road to wonder when and from whom they will receive this very vital and urgently needed service.

The following report issued:

Eir have committed to delivering high speed broadband to 25,000 rural premises in Kerry by the end of 2018 on a fully commercial basis as part of their '300k rural fibre rollout' project.

This work has been on-going in Kerry since April 2017 with circa 8,000 properties in the County passed to date. The Government and Eir have confirmed that the '300k' commitment remains in place following the Eir withdrawal from the National Broadband Plan procurement process. The completion of the Eir commercial rural fibre roll out will mean a total of 60,000 or 68% of properties in Kerry will have access to high speed broadband by the end of 2018.

In October 2017 Local Authorities were requested by the Department of Rural and Community Development to identify additional properties which should have, for practical purposes been included in the original 300k. These additional properties were divided into categories which included schools, commercial properties and the finishing out of cul de sacs and clusters of dwellings. The review of the proposed fibre routes in Kerry was carried out and a submission of 6,000 additional properties made on the 13/11/2017. It is ultimately a commercial decision by eir the number and location of these additional properties which will be served. It is expected that a result of the review will be received by the LAs by the end of February 2018.

The availability of High speed broadband in all parts of Kerry will be key infrastructural element to the continued economic and social development of the County. The National Broadband Plan (NBP) is a Government policy initiative which aims to deliver high-speed broadband to every household and business in Ireland. The Department of Communication, Climate Action and the Environment is responsible for procuring a contractor to deliver the NBP. Following the completion of the Eir rural roll out, the remaining 29,000 or 32% of properties in Kerry will be addressed by the NBP.

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

"Yesterday in Muckross House I was speaking with a couple whose garden is in Killegh Lower and whose house is in Gortagullane.

They won't get connected for Broadband at the moment but if the house was where the garden is they would. That is why I used the word arbitrary in the Notice of Motion.

But now of course everything has changed, changed utterly. Eir has withdrawn from the bidding process and we are left with a monopoly situation where ENET-SSE are likely to be the sole interested party for the installation of Broadband in 542,000 homes.

It looks as though Monsieur Xavier Niel has decided that the only really worthwhile part of the overall project is the Urban dimension where there is housing density and readily accessible terrain.

All of this shambles has its roots in the much-hyped and ultimately disastrous, for so many, Stock Market flotation of July 1999. State owned monopolies were the great evil and market driven competition was the BRAVE NEW WORLD. Not only the then investors are paying the price for that great mis-judgement.

The question now is – will the inhabitants of rural Ireland be the newest victims of the shambles. In this Chamber we have often spoken of Broadband as the great Hope for rural and village Ireland. Now we can but wonder if the entire Hope will disappear.

It seems the process is now to be at the mercy of ENET-SSE. Will their privileged position allow them to pick and choose and prioritise the most readily accessible homes? Will they be able to protest that reaching the most remote of houses will render the entire project uneconomic?

Are we going to have a re-enactment of a much broader scale of the almost forgotten sagas of firstly electricity and later the telephone to the Black Valley?

Minister Naughten has a big challenge in order to ensure that all homes are given access to Broadband and all people are given equality of opportunity to become economically independent.

If the long awaited Broadband Project fails to deliver; if it allows business Monopoly to determine who does and who does not gain access, then successive Governments will have hugely failed rural Ireland and condemned much of it to stagnation.”

Cllr. J.J. Culloty SECONDED the motion and moved Notice of Motion No. 21.

21. Call to address flaws in the roll-out of the National Broadband Plan

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

That this Council call on the Minister for Communication to urgently address flaws in the roll-out of the National Broadband Plan in this County.

The following report issued:

This is a matter for consideration by the members.

By Way of update to members the following is the current position.

Eir have committed to delivering high speed broadband to 25,000 rural premises in Kerry by the end of 2018 on a fully commercial basis as part of their ‘300k rural fibre rollout’ project.

This work has been on-going in Kerry since April 2017 with circa 8,000 properties in the County passed to date. The Government and Eir have confirmed that the ‘300k’ commitment remains in place following the Eir withdrawal from the National Broadband Plan procurement process. The completion of the Eir commercial rural fibre roll out will mean a total of 60,000 or 68% of properties in Kerry will have access to high speed broadband by the end of 2018.

Kerry County Council considers the rollout of broadband across the county as essential to both economic and community development.

Cllr. Culloty concurred with the views expressed by Cllr. Gleeson. He added that a planner on a recent Prime Time programme showed the contempt of those in the East of the country for those who live in the West and the worrying fact is that the majority of our legislators are from the East. All businesses need Broadband.

Cllr. P. Daly highlighted that in the submission there was mention of improvements to the road to Mallow but while Tralee is 50km from Adare it is 55km from Mallow. He expressed concern that there is nothing of relevance to Kerry in the National Planning Framework. While the gas pipeline was brought to Listowel it will not be possible to extend it the 17km to Tralee because the pipe specifications are not adequate. In relation to the provision of Broadband Cllr. Daly advised if Eir was in state ownership it would be different but private companies are only interested in the more densely populated areas. It is important to ensure that facilities i.e. Garda Stations and Post Offices in the county are retained and this also includes Tralee Courthouse.

Cllr. R. Beasley welcomed the interest shown by management in the NPF and he added that he hoped it would not be like the National Spatial Strategy which was a failure. In the past he spoke of population decline in coastal areas and he recently travelled from Ballybunion to Caherciveen and it was evident that many coastal towns are in decline. Many schools in these areas are just about surviving. In Ballybunion there are 5 businesses in the process of closing down. The greatest hope of employment North Kerry had was Shannon LNG but it was blocked by the government of the day. This project would have brought vitality to North Kerry and West Limerick. Cllr. Beasley concurred with the views expressed by previous speakers in relation to broadband.

Cllr. J. Lucid welcomed the submission and when he listened to the launch of the National Planning Framework he was disappointed as there was no mention of Kerry, Tralee, Killarney or Listowel and there was no reference to the roads infrastructure on the WAW. It was announced that there would be a new metro to Swords and these projects need very substantial investment. It is up to the people of the county to develop employment opportunities to keep young people in the county.

Cllr. A. Thornton stated the NPF must be overarching for the country but Kerry must ensure it is included in the Regional Spatial and Economic Strategy. The WAW is vital for the county and we must ensure broadband is available. She welcomed the reference to the importance of smaller towns in the submission. It is vital that the Action Plan for development is adequately resourced. This is a good submission and any barriers to growth should be highlighted.

Cllr. M. O'Shea advised that none of the submissions will be taken on board.

The Chief Executive highlighted that this submission will be made to the Regional Assembly and she understood the entire process will take 18 months.

Cllr. M. Cahill stated that the map presented highlights the need to develop the South Kerry Greenway as South Kerry is not mentioned.

Cllr. J. Finucane then moved Notice of Motion No. 12.

12. Introduce a comprehensive (unfinished) Estates Scheme

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

That this Council calls on the Minister to introduce a comprehensive (unfinished) Estates Scheme as a matter of urgency.

The following report issued:

While this is a matter for consideration by the members, the most recent funding initiative for Unfinished Housing Estates was the 2016 National Taking In Charge Initiative for Residential Estates (NTICI). Kerry County Council received €362,652 under this initiative which funded the carrying out of works on 18 Housing Estates, which have now been taken in charge by the Council. The introduction of a further scheme similar to the NTICI would be most welcome. We understand that the Department of Housing, Planning and Local Government are considering a new more limited funding initiative for 2018 but to date Local Authorities have not been advised of the details.

Cllr. J. Finucane highlighted that there is a number of unfinished estates in Kerry and he called on the Minister to introduce a comprehensive (unfinished) Estates Scheme as a matter of urgency.

18.02.19.06 Audit Committee

Mr. M. O'Donoghue referred members to report dated 8th February 2018 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. L. Purtill it was agreed to note the 2017 Annual Report of the Audit Committee of Kerry County Council and to approve the 2018 Audit Committee Work Programme.

18.02.19.07 2016 NOAC report on Performance Indicators

Mr. M. O'Donoghue referred members to report dated 14th February 2018 on this item which was circulated. NOAC published an Annual Report on 2016 across the local government sector. The report sets out comparable figures for 2015 and overall there were improvements across the sector. There is a lot of detail in relation to housing and the average reletting time has been reduced. This is an extensive report on the overall performance of local authorities. Additional performance indicators are assessed at local level and new indicators will continue to be added and developed. The report will be referred to the Audit Committee for review.

Cllr. M. Kennelly asked if the data included is a county average for the repair of voids.

In response Mr. O'Donoghue confirmed that it is but if members wish it can be broken down into MDs and included in the Housing Manager's Report to MDs.

Cllr. J. Finucane welcomed the report and while he noted there is an emphasis on the provision of housing units we must also be cognisant of the need to build

communities. This includes integrating people, providing green areas, playgrounds etc. In the past there were problems when people with addictions were housed in estates and he asked that a strategy on this would be prepared.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. S. Locke it was agreed to note the 2016 NOAC report on Performance Indicators.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.55pm.

18.02.19.08 Kerry County Council Culture and Creative Strategy 2018 – 2022

Mr. M. Scannell referred to the Kerry County Council – Culture and Creativity Strategy 2018 – 2022 which was circulated and he asked Ms. K. Kennelly to brief the meeting on it.

Ms. Kennelly briefed the meeting on the Strategy under the following headings:

- Culture and Creativity in Kerry
- The Creative Ireland Vision for Kerry
- The Creative Ireland Values in Kerry
- Strategic Priorities for Kerry
- Implementation and Measurement

On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Gleeson it was agreed to adopt the Kerry County Council Culture and Creative Strategy 2018 – 2022.

18.02.19.09 Report from Cllr. S Locke on the meetings of the Tourism, Culture, Arts and Recreation SPC.

It was agreed to note Cllr. Locke's report on the meetings of the Tourism, Culture, Arts and Recreation SPC held in December 2017 and January 2018.

18.02.19.10 Date for Special Municipal District Meetings

On the PROPOSAL of Cllr. J. Lucid, SECONDED by Cllr. J. Moloney it was agreed that Special Municipal District Meetings to consider and approve allocations from the 2018 Community Support Fund would be held in the Council Chamber, Áras an Chontae, Tralee on Monday, 26th February, 2018 at the following times:

Tralee	10.30am
Listowel	12.00pm
Killarney	3.00pm
South & West Kerry	4.30pm

Cllr. Moloney requested that the county spend for the Community Support Fund would be made know to all MDs.

18.02.19.11 Summary of proceedings at following events

It was agreed to note reports on the following events on behalf of the Kerry County Council delegates that attended in accordance with Section 142(5)(f) of the Local Government Act 2001 as amended.

- (a) Tourism Seminar held in Enniscorthy, Co. Wexford on the 29th and 30th March 2017 by Cllr. M. O'Shea.
- (b) AILG Module 3 Training event 2017 on the theme "Commercial Rates, Rating Law, Valuations and Revaluations" held in Dundalk on the 10th June 2017 by Cllr. G. Spring.
- (c) Training event on the theme "Housing in Crisis - Defining the Role of the Councillor" held in Waterford from the 10th to 12th November 2017 by Cllr. R. Beasley.
- (d) Conference on the theme "A Practical Guide to Budget 2018" held in Clonakilty, Co. Cork from 8th to 10th December 2017 by Cllr. M. Kennelly.
- (e) Conference on the theme "The Finance Act" held in Carlingford, Co. Louth from 5th to 7th January 2018 by Cllr. M. Cahill.

18.02.19.12 Approval for the opening of Tenders

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Kennelly it was agreed to approve the opening of the following tenders:

- (a) Purchase of 5 Demountable Units - Closing date: Monday 19th February 2018 at 4pm.
- (b) Kerry, Cork and Clare Bridge Rehabilitation - Contract B - Archaeological Consultancy Services - Closing date: Monday 19th February 2018 at 4pm.
- (c) Sara Lee Commercial Property Management Services - Closing date: Friday 23rd February 2018 at 3pm.
- (d) Construction of walls and paths at Knockeenduff Burial Ground, Killarney - Closing date Tuesday 27th February 2018 at 12pm.
- (e) Refurbishment of No. 36 Woodgrove, Moyvane - Closing date: Friday 2nd March 2018 at 12pm.
- (f) Construction of a stone wall and associated works at Rock Road, Killarney - Closing date: Monday 5th March 2018 at 4pm.
- (g) N69 Listowel Bypass - Topographical Survey & Lidar - Closing date: Wednesday 7th March 2018 at 4pm.

- (h) N69 Listowel Bypass - Independent Project Supervisor Construction Stage - Closing date: Wednesday 7th March 2018 at 4pm.
- (i) N69 Listowel Bypass - Ground Investigation - Closing date: Wednesday 7th March 2018 at 4pm.

18.02.19.13 Notices of Motion

Emergency Motion – Proposed closure of Glencar Post Office

Cllr. M. Cahill moved the following Emergency Motion.

“That Kerry County Council call on the Government, the Minister for Communications Denis Naughten and the Minister for Rural and Community Development, Michael Ring TD to intervene as a matter of extreme urgency in the proposed closure of Glencar Post Office and take on board the fact that this Post Office is the “Life and Soul” of this community, where homes are widely dispersed, has a large elderly population who will have to travel a 40km or more return journey in the event of this Post Office closing to collect their Pensions and that this Council demand that An Post refrain from closing Glencar Post Office as it will literally “Tear the Heart” out of this community who urgently require additional support services instead of having the most important service of all removed and putting a final nail in the coffin of one of our counties most rural Parishes. I also propose that Kerry County Council request an “Emergency Meeting” with Ministers Naughten and Ring and An Post at the earliest possible date.”

Cllr. Cahill highlighted that this time last year there were great celebrations as Glenbeigh/Glencar won the All Ireland Junior Football Championship but now there is doom and gloom in this community. Just 3 days after the funeral of the Post Mistress relatives were contacted regarding the closure of the Post Office. He understood a meeting may be taking place that Wednesday between Kerry Oireachtas members, representatives of the local community and An Post. This Post Office provides an important service not just to the local community but also to visitors as they effectively operate a tourist information centre. The meeting in Glencar on Friday night coincided with the publication of the National Planning Framework where there is no mention of Post Offices. Residents of Glencar realise there is an onus on them to increase transactions at the Post Office if it is to remain open. There are problems with mobile phone and land line reception in this area also. Glencar is very isolated and this community needs the support of all politicians.

Cllr. D. Quigg SECONDED the motion and highlighted that the Post Office also has the only small shop in the area and the nearest shop after that is 20km away. He fully supported the campaign to keep Glencar Post Office.

Cllr. P. Connor-Scarteen supported the motion and welcomed the large turn out at the meeting in Glencar the previous week including Oireachtas members. He understood Minister Griffin had organised a meeting with An Post for Wednesday which will also be attended by representatives of the local community.

Cllr. J. Healy-Rae highlighted that he also submitted an emergency motion on this issue. The late Sheila Sullivan ran this Post Office for years and a short while after her death An Post wrote to her family who had kept the Post Office open. This Post Office, while not very profitable, is vital for the community and some areas in Glencar are 7 miles from this Post Office. From a geographical point of view alone this Post Office should not be closed. Cllr. Healy-Rae asked that a strong case would be made to ensure this it remains open.

Cllr. N. Moriarty supported the motion and added that the delegation that will meet An Post will put a strong case forward in support of the retention of the Post Office. The onus is on all members to support this campaign and to utilise these services and there is a willingness in the community to do this.

Cllr. D. McCarthy supported the motion and agreed if Post Offices are to remain open they must be supported by the local community.

Cllr. M. O'Shea supported the motion and added if he was aware of the meeting the previous week he would have attended. He wished the delegation well for their meeting with An Post.

The Cathaoirleach also supported the motion.

Cllr. Cahill asked that the Minister's offices would be contacted the following day.

This was agreed.

The Cathaoirleach then permitted Cllr. R. Beasley to move his Motions as he had to leave the meeting.

7. Works in areas prone to flooding in the Listowel MD

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

Can we expect to have any works carried out in areas prone to flooding in the Listowel MD.

The following report issued:

The Council has identified all locations where there was reported flooding or serious risk of flooding to properties in the Listowel MD in recent years.

Funding was received in October 2017 for Flood Relief Measures at Clieveragh, Listowel, towards the cost of site investigations, detailed design, preparation of tender documents and land acquisition. Tenders were sought from Consulting Engineers to carry out this design work and it is proposed to have the Consultant appointed in early March, with the detailed design complete by the end of May 2018. On completion of the detailed design, the Council will seek planning consent and make a further application to the OPW for the construction costs.

Drainage clearance works have been carried out in Ballyheigue and Ballyduff, and a new trash screen has been installed in Ballyduff to mitigate against the

risk of pipe blockage on the network. The Council have scheduled CCTV surveys on the drainage network in Ballyduff and Causeway, to identify any restrictions on the network and it is proposed to have these surveys complete within the next 4 weeks. These surveys will identify if any remedial or repair works are required and members will be advised of same at the next MD meeting.

Members will be kept informed on progress with these schemes at the MD meetings, and any funding applications to be made to the OPW for any relief measures that may be identified from the surveys.

A limited number of isolated properties at The Cashen, Gortacrossan and Ballyline West, which were subject to frequent flooding have been identified, in consultation with the relevant property owners, for potential consideration under the Voluntary Home Relocation/Works scheme. The OPW are arranging to meet with the property owners in question to progress this scheme and we have been informed that these meetings will take place over the next 4 weeks.

Cllr. Beasley noted that a full report on the proposed works would be presented to the next Listowel MD meeting. While some work was carried out at Quay Street, Ballylongford the work was not completed and this is a cause for concern for a number of families. The Cashen has not been dredged and if it was it would resolve the flooding issues and home owners may be able to get insurance.

Cllr. M. Kennelly SECONDED the motion.

The Cathaoirleach indicated that Cllr. Thornton's Motion No. 13 was a similar motion to Cllr. Beasley's second motion and he called on her to move it.

13. Dale Road

Pursuant to notice duly given Cllr. A. Thornton PROPOSED:

Can Kerry County Council consider using their own resource money for all or part of the R556 Rathscannell/Dale Road Works.

The following report issued:

The initial phase of the Dale Road, measuring 2.3km road was improved between 2006 and 2009, at a cost of €3m, with funding provided by the Department of Transport, under the Specific Improvement Grant programme. A similar level of funding is required to address the next phase of the project, measuring 2.2km.

In consultation with the Department, it was agreed to carry out limited pavement improvement works on a short section of this road in 2012. However, due to the nature of the underlying ground conditions, the pavement showed signs of deterioration within 6 months of the completion of the works and the road continued to deteriorate rapidly with significant subsidence. On this basis, it is difficult to justify a further pavement overlay which would cost an estimated €400,000, and would need to be undertaken again within 4 to 5 years.

The restoration improvement programme grant only provides for pavement restoration. In order to address the poor riding quality, significant works are required, including specialist design and a geotechnical assessment of the underlying poor ground conditions.

A preliminary design of the scheme was prepared to allow for such matters as the determination of land take and an approximate cost estimate. The estimated cost of improving this road, based on the costs incurred on the original phase, is approximately €3 million. However, specialist design services are required because of the ground conditions, which are estimated to cost €25,000.

Given the significant costs involved and the significant demand on own resources towards maintaining the existing road network in the county, the Council does not have funding from its own resources to carry out such works. The scheme can only be progressed when there is a commitment in funding from the Department of Transport, Tourism and Sport, under the Specific Improvement Grant or similar funding programme.

Cllr. A. Thornton asked if funding from own resources could be used to fund work on the Dale Road. The response stated that the design works would cost €25,000 and she urged management to fund this from own resources and to seek funding for the works as a matter of extreme urgency.

Mr. C. O'Sullivan advised that discretionary funding can only be used for the physical works and the criteria is very strict. There are difficult ground conditions on the Dale Road and the cost of the works will be significant. Five years ago a short section of this road was overlaid but it has started to subside. The cost of the design works cannot be funded from discretionary funding.

The Chief Executive stated that it may be possible to apply for funding under the Specific Improvement Scheme for improvements to the Dale Road and approval to proceed to design can be sought under this Scheme.

28. Funding for the Dale Road

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

While this Council appreciates the efforts made by Council Management to secure funding from the Department to improve the dangerous condition of the Dale Road, the urgency of these works requires a deputation to the Minister and senior officials of the Department of Transport.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. R. Beasley welcomed any prospect of getting funding from the Department for improvement works to the Dale Road and he called on management to pursue this with the Department. This road has deteriorated significantly in recent times and those who travel it on a regular basis, including Council staff, are concerned at the condition of the road.

Cllr. A. Thornton SECONDED the motion.

1. Parking of vehicles on footpaths.

Pursuant to notice duly given Cllr. M Gleeson PROPOSED:

That Kerry County Council in conjunction with An Garda Siochana would during 2018 seek to eliminate the scourge of vehicles parking on footpaths. Such behaviour greatly inconveniences all pedestrians and people with disability, very especially those in Wheelchairs or using Mobility Scooters.

The following report issued:

Kerry County Council provides a traffic warden service in 9 towns. In 2017, 720 fixed fines were issued, where vehicles were parked on a public footpath. The motion can be referred to the next meeting of the next Joint Policing Committee meeting for consideration by An Garda Siochana.

Cllr. M. Gleeson read the following into the record of the meeting:

“I wish at the beginning to welcome the €875,000 for footpath improvements and maybe even for providing a new footpath or two. This money is desperately needed so it is important that it is wisely spent. Right now, I can tell you, Mr. O’Sullivan, and you colleagues that unless we get a change of Attitude by vehicle owners that spending some of this money is a total waste of time.

No sooner will footpaths be provided or get upgrade than cars, vans and trucks will park on them and destroy the fabric of the footpath. I have never understood how Local Authorities turned a blind eye to all the illegal on footpath parking. Throughout the county there are so many footpaths that have been cracked and shattered by illegal parking. Recently a wheelchair person was travelling along a footpath in Killarney when the person encountered a Lorry half parked on most of the footpath. The footpath was not Dished at that location, so the person had to try and dismount a 10cm high footpath and risk being blown to eternity by oncoming traffic. Then the person had to attempt to remount the footpath.

I believe that Kerry is intent on gaining international recognition for its treatment of people with disabilities. We had better smarter ourselves. Basic courtesy and human respect demands that we keep our footpaths for pedestrians and for people with a disability.

Cars, vans, lorries and bicycles should travel on the roads and park on the roads. We must ensure that it is so. I propose that we include this proposal with the determination to save the dedicated Disability Parking Bays for legitimate Card Holders”.

Cllr. J.J.Culloty SECONDED the motion.

2. Support for family members who wish to build a family home on their own lands, adjacent to the N72 Killorglin/Killarney Road

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

That Kerry County Council make a very special case to Transport Infrastructure Ireland and An Bord Pleanála on behalf of family members who wish to build a family home on their own lands, adjacent to the N72 Killorglin/Killarney Road, as the current ban is discriminatory, a disgrace and an absolute outrage.

The following report issued:

The Spatial Planning and National Roads Guidelines for Planning Authorities were issued in January 2012 under Section 28 of the Planning and Development Acts, 2000 to 2010. These guidelines set out planning policy considerations relating to development affecting national primary and secondary roads outside the speed limit zones of cities, towns and villages with view to maintaining the efficiency, capacity and safety of the national road network.

Planning authorities and An Bord Pleanála are required to have regard to the guidelines in the performance of their functions under the planning acts.

In relation to access to national roads, the guidelines require that planning authority policy will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kph apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

The guidelines allow that a less restrictive approach may be applied to certain national roads following consultation between the planning authority and Transport Infrastructure Ireland (TII). During the preparation of the Kerry County Development Plan 2015-2021, the Planning Department consulted with TII in accordance with the requirements of the guidelines. A less restrictive approach, in exceptional circumstances, was agreed by TII in relation to development along the following national secondary roads only:

- (a) N70 Killorglin – Cahersiveen – Kenmare**
- (b) N71 Killarney – Kenmare – ‘Tunnels’.**

This approach and criteria that must be adhered to are outlined in Section 7.2.1.2 of the Kerry County Development plan 2015 – 2021.

At the outset Cllr. Cahill advised that he was requested to amend the Motion to include the N72 Rathmore Road, the N86 and the N69. Where family members can prove that they have always used the road which is adjacent to a national road, they can also prove there will be no danger to life, serious health and safety issue and that there will be no additional traffic they should be facilitated. Cllr. Cahill PROPOSED that a letter would issue to TII and An Bord Pleanála calling on them to reverse their decision to ban all such development.

Cllr. J. Healy-Rae SECONDED the motion and added that this situation applies to the Ring of Kerry and the Barraduff roads. TII have a blanket view on these cases and they appeal all permissions granted that lead onto national primary or secondary roads.

3. Total expenditure/cost to the tax payer of the 2016 Count Afresh in the Listowel MD

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

Can Kerry County Council confirm what the total expenditure/cost to the tax payer was as a result of the 2016 Count Afresh which took place in the Listowel Municipal District.

The following report issued:

In respect of the Kiely V Kerry County Council and others case, the legal costs were paid/covered under Kerry County Council specific insurance policy covering the organisation and running of Local Elections & Counts. These legal costs are being met directly by Irish Public Bodies Mutual Insurances. The final figure is not yet available to Kerry County Council.

Cllr. M. Kennelly expressed his disappointment at the reply as this is the third time he sought this information. He asked if there was a liability to Kerry County Council.

In response Mr. M. O'Donoghue confirmed that a substantial portion of the cost was covered by an insurance policy. IPB have engaged with solicitors etc. and there is no deadline for the completion of this process. When it is completed the Council will ask IPB if they would provide the final figures.

Cllr. Kennelly asked if the Council had an insurance policy in place will the premium be higher going forward.

Mr. O'Donoghue advised that it is standard practice to negotiate settlements and where necessary these go through the Taxing Master. It was fortunate that an insurance policy was taken out as it has resulted in significant savings to Kerry County Council. He added that when the final costs are available he would revert to Council.

Cllr. J. Moloney SECONDED the motion.

Cllr. Kennelly then moved Notice of Motion No. 26.

26. New Local Improvement Scheme

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

In the interest of fairness, that when Kerry County Council initiate the new Local Improvement Scheme, that all applications are treated fairly and equally and assessed as such.

The following report issued:

As advised to the members at the January 2018 meeting, it is proposed to open the LIS for new applications, when the Council has assessed the impact of any grant aid to be provided this year to fund the remaining 70 approved applications on our list.

Members will be advised when the scheme is reopened and an agreed time frame will be allowed for the receipt of new applications. The Council will communicate with the applicants who made a submission after the closing date in 2007, to ascertain if they wish to proceed with their application and to advise of any updates. It will not be necessary for these applicants to resubmit a new application.

All applications on hand by the closing date for the new scheme will be assessed and prioritized having regard to the terms of the scheme and any directions from the funding Department.

Cllr. M. Kennelly welcomed the reply and added when this was debated at the January meeting the impression given was that applications on hand would get priority but that is not the case and he welcomed this clarification.

Cllr. J. Healy-Rae stated that he understood the 92 applications on hand would be given priority and he requested clarification.

Mr. C. O'Sullivan stated that the closing date for receipt of applications was in 2007 and all applications received by the closing date were assessed and included on the list. 92 applications were received subsequently and while they will not be asked to reapply they will be asked if they want to proceed with their application. All new applications, including the 92 on hand will then be assessed.

Cllr. Cahill asked if priority would be given to hardship and emergency applications.

Mr. O'Sullivan replied that this will be a matter for the members.

4. Opening of beds in Kenmare and Dingle Community Hospitals

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

That Kerry County Council would write to the Minister for Health and ask him to urgently open the beds in Kenmare and Dingle Community Hospitals.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. J. Healy-Rae highlighted that a new 40 bed community hospital was built in Kenmare but 19 beds remain closed. Recently an announcement was made that a further 8 beds will open but the HSE have now stated that they are finding it difficult to recruit 5½ nurses. He added that the level of other services provided at Kenmare Hospital has been diminished by the HSE. Kenmare Hospital services a broad rural area and it was disrespectful to build the hospital and to only open half the beds. Some of the wards in Dingle Hospital have been converted to offices and he asked that these would be relocated and the wards opened.

Cllr. D. McCarthy SECONDED the motion.

5. Tree trimming and hedge cutting programme

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

That this Council would recommence the tree trimming and hedge cutting programme as soon as possible, as communities are in contact with me with problems such as public lighting being blocked off and overhanging branches etc.

The following report issued:

Each of the Municipal Districts has a detailed inventory of critical junctions and lands in our ownership where hedge maintenance is required. This includes the cutting and trimming of trees and hedges on our own lands and within housing estates taken in charge. The Council also carries out hedge cutting on critical sections of the Ring of Kerry, due to width restrictions on the route and the large volumes of tourist buses using it, as well as sections of public roads scheduled for improvement works to allow for safe work operations.

In 2017, the Council cut over 625 km of hedgerows and 304 junctions throughout the county. The Council also carries out trimming of trees in urban streets, particularly where it impedes the safe use of footpaths and roads as well as impacting on public lighting.

However the maintenance of hedges on a public road is the responsibility of the landowner and the Council has an active policy for enforcing the provisions of the legislation.

Cllr. S. Locke asked when the tree trimming programme would commence. In some areas in Tralee tree trimming has commenced but in other areas an assessment has to be carried out to decide what trees can be cut. The planting of very tall trees in estates is not appropriate as some grow as tall as 100ft. Cllr. Locke emphasised the need to safeguard the residents in these estates. Council staff are capable of carrying out this work and they should be allowed to do so.

Cllr. P. Daly SECONDED the motion and stressed that trees in urban areas must be cut.

Mr. C. O'Sullivan advised members that any complaint will be investigated and notice is given of the tree cutting programme.

Cllr. Locke highlighted that one individual made a complaint to An Taisce and they followed Council staff into estates and this is unacceptable.

6. Mountain Rescue Teams

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

That Kerry County Council calls on An Taoiseach, to step in to work with the Government Departments and agencies surrounding mountain rescue teams to ensure that mountain rescue teams can provide into the future the personal protective equipment and other equipment that volunteers require as they make themselves available 24/7/365 to assist those in need. Added to this, could be the extension of VAT refund scheme for charities.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. J. Sheahan highlighted that there were very difficult weather conditions at Christmas and people were advised not to climb Carrauntoohill. However, some people did not heed this advice and proceeded to go on the mountain without appropriate equipment or thought for themselves and the Kerry Mountain Rescue Team. Kerry Mountain Rescue provide an excellent service and he hoped the government would intervene as it is unfair that the members of the Team must fundraise for equipment.

Cllr. J.J. Culloty **SECONDED** the motion and added that the mountains would be closed but for the efforts of Kerry Mountain Rescue. The previous weekend 6 people were rescued by them.

9. Provision of a pedestrian crossing between Fossa NS and Church

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

In light of the large numbers of children attending Fossa National School and the serious safety concerns and danger crossing this busy road, I am again requesting the TII to provide a pedestrian crossing between Fossa NS and Church, I was informed at the June 2016 MD meeting that a detailed safety assessment was being undertaken, the School, parents and parish recognise the dangers and are requesting that a pedestrian crossing be provide for public safety.

The following report issued:

The school is located on the N72, within a 50 kph speed limit and where a traffic calming scheme is in place. In the response to the motion moved at the June 2016 MD meeting, it was outlined that there were difficulties in siting a pedestrian crossing at the location and a commitment was given to carry out a survey having regard to “Transport Infrastructure Ireland Pedestrian Crossing Specification and Guidance 2011”.

The survey was carried on the 21st June 2016 and the results did not support the justification of a pedestrian crossing at this location.

There are approximately 50 car parking spaces and a bus bay provided adjacent to the school. The survey results indicated that the majority of vehicles parked on the school side for dropping off children and only 6 cars used the Church car park for collecting children on the day of the survey.

In planning applications for extensions to the school which were submitted by the Board of Management under planning references 12/217; 12/868; 14/71 and 16/129, no traffic safety issues were identified by the applicants or in the assessment of the applications by the Council. The survey results support the assessment of the traffic impact in granting permission for the extensions to the school.

Cllr. B. Cronin repeated his request for a pedestrian crossing on behalf of the parents, teachers and Board of Management of Fossa National School. The results of the survey indicate that it could not justify a pedestrian crossing yet 240 children attend this school. It is an extremely busy road and Parents, the School and Board of Management recognise the danger. The provision of a pedestrian crossing at this location is critically important for school safety. A lot of parking is taken up by teachers cars and this is a major tourist route. Cllr. Cronin called on management to revert to TII to carry out a further assessment of this location.

Cllr. M. Healy-Rae **SECONDED** the motion and added that in the past she requested that a School Warden would be appointed to this school.

10. Reject the Public Private Partnership model for delivering essential services

Pursuant to notice duly given Cllr. P. Daly PROPOSED:

In the light of the Carillion debacle, that this Council rejects the Public Private Partnership model for delivering essential services.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. P. Daly highlighted that investors got involved in the provision of public infrastructure and it resulted in huge returns for them at a substantial cost to the tax payer. This makes it look like public spending is lower. In many instances sub-contractors had to wait 120 days to be paid. The management fees for these projects were enormous and the profit margins are hidden. Even advocates for PPPs accept that they cost more. Schools cost up to 40% more while hospitals cost 70% more. Tralee Town Council had a proud record of building houses to a high standard and PPPs is not the way to go.

Cllr. D. Quigg **SECONDED** the motion.

Cllr. M. Cahill pointed out that he was involved with Library Place in Killorglin which was a PPP. It provided Council Offices, an underground car park etc and it was a success. He opposed the motion.

15. Use of durapatchers

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

How many hours has each of the four durapatchers been used per week for each month over the last year.

The following report issued:

The use of the durapatchers, to carrying out road repairs, vary with demands and other priorities in the areas. Such repair works are carried out as part of the overall maintenance of the road network, and can also be dictated by weather conditions, surface dressing schedules etc.

Cllr. T. Ferris expressed her dissatisfaction with the reply and stated she has photos of durapatchers lying idle in the Machinery Yard while potholes are waiting to be filled. She asked how many hours per week have the durapatchers been used.

Cllr. J.J. Culloty supported the motion and added that the Council also has velocity patchers. Potholes should no longer be filled by shovel.

In response Mr. C. O'Sullivan advised that durapatchers are not in use every day as they are weather dependant. Durapatchers were used for 280 days last year and it is planned to purchase new high velocity patchers. Some of the durapatchers are 20 years old and they are not used in very wet weather.

Cllr. Ferris pointed out that the Council has a duty of care to rate payers and tax payers. When the tar used to fill a pothole is washed out the Council is liable for any damage caused to vehicles etc. She asked that for the March Meeting she would be provided with information on the number of claims received for burst tyres. She was familiar with one road where there are 30 potholes all of which have been washed out.

The Chief Executive stated that in the past 12 months an engineer was assigned to manage the Machinery Yard. The dura patchers are old and it is planned to purchase velocity patchers which are very expensive but efficient.

Cllr. J.J. Culloty acknowledged that 15km of the non-national road network was improved last year but the rest of the road network must be maintained.

Mr. O'Sullivan clarified that the dura patchers were used 280 days last year and a comprehensive report on the roads programme will be presented to Council shortly. Also Municipal District Operation Plans will be brought to the MDs.

Cllr. M. Cahill stated that he understood that dura patchers cost approx.. €250,000 and there is a dura patcher that blows the pothole dry before filling it.

Cllr. J. Healy-Rae questions the number of days dura patchers were in operation in the past year. In the past Kenmare had its own patching lorry and bitumen supply but that is no longer the case. There is no dura patcher in South Kerry. He added that priority must be given to drainage and pot hole repairs.

The Chief Executive accepted that the plant is aged but it is intended to upgrade it. Discussions are ongoing with the Unions in relation to the Machinery Yard. While velocity patchers are very expensive it is hoped to purchase 3 in 2018 and that will improve the situation. In conclusion she confirmed that a substantial drainage programme will be included in the 2018 Roads Programme.

16. Location of a primary health care centre in the centre of Kerry

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

That Kerry County Council write to the Minister for Health, Mr Simon Harris to locate a primary health care centre at the centre of Kerry, Milltown, possible location – the disused primary school on the R563 and within the town boundary.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. M. O'Shea stated that since 2011 the HSE funded Primary Care Centres which are a one stop shop and there are 2 in Kerry. Killorglin Milltown Primary Care Team delivers primary health care to the local population of Mid Kerry. They provide the following services:-

- Information on services and upcoming events.
- Nursing
- Occupational Therapy
- Physiotherapy
- Speech and Language Therapy
- Primary Care Liaison Nurse/Mental Health Service
- General Practitioners
- Dietitian
- Home Help

Milltown is at the centre of the county and would be an ideal location for a Primary Care Centre. He asked that the Primary Care Team would be provided with suitable premises from which to operate in Milltown. The old primary school would be ideal for this purpose and he asked that a letter would issue to the Department of Education calling on them to sell this site.

Cllr. D. Quigg SECONDED the motion.

17. Call to lift the ban on the use of rain guns when spreading slurry

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask Kerry County Council to write to the Minister for Agriculture to lift the ban on the use of rain guns when spreading slurry.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. D. McCarthy highlighted that this is a very serious issue. When slurry spreading is permitted the land may be too wet. Sheds are now full of slurry and rain guns are ideal for the spreading of slurry when land is too wet to travel as it can be spread from the road. Farmers must be allowed to spread slurry otherwise they may lose their grants. Cllr. McCarthy asked that a letter would issue to the Minister for Agriculture calling on him to lift the ban on rain guns for the current year.

Cllr. M. Cahill SECONDED the motion.

Cllr. J. Healy-Rae also supported the motion and highlighted that much of the spreading will be done from farm roads or by roads. As a result of the significant rain fall over the past number of months it is not possible to travel the fields in many areas.

18. Funding to deal with Coastal erosion in the Ballyheigue, Banna area

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

Can Kerry County Council advise me as to what progress has been made in relation to securing funding to deal with Coastal erosion in the Ballyheigue, Banna area.

The following report issued:

An application was made to the OPW in 2014 for substantial Coastal Protection Works in Ballyheigue. This was a follow on to the extensive rock revetment works that had been previously funded by the OPW in this area. However, the OPW informed the Council, that before such extensive works could be considered for funding, a full Coastal Erosion and Flood Risk Management Study of the wider Coastal cell area must be carried out. This is to develop a long term plan for the area and to ensure any intervention works (such as rock revetments) do not cause further erosion at other locations.

A design brief was formulated for the Ballyheigue-Banna-Carrahanne Coastal Cell area which consists of approx 13km of coastline.

A submission was made to the OPW in October 2017 for funding to engage specialist consultants to carry out such a study. Areas of particular concern to be addressed in the study are the erosion at Ballyheigue and the flooding at Carrahanne.

Cllr. J. Lucid read the following into the record of the meeting.

“I wish to find out what progress Kerry County Council has made in relation to the completion of Coastal Erosion Risk Management Studies for submission to the OPW seeking funding to address the coastal erosion problems that exist in Kerry.

I have raised the issue of coastal erosion on a number of occasions and am very concerned with the lack of progress.

In July 2016 I was told in response to my question that Kerry County Council had applied to the OPW for €500k in 2014 to carry out urgent repair work on a 280 metre section of cliff at Ballyheigue. The OPW at the time requested that Kerry County Council submit a Coastal Erosion Risk Management Study before they would allocate funds. This essentially is a massive document to be prepared and submitted.

In December 2016 I was told that a new unit had been set up to work on the preparation of the necessary documentation, namely the CERMS for submission to the OPW.

In April 2017 I was informed that work was at a very early stage and that the coastline from Kerry Head to Banna would be dealt with as one unit because any single intervention at any one point could have a negative impact at another point along this section of coastline.

Serious damage was done under the cliff close to the village at Ballyheigue and there was significant damage to the sand dunes in December 2013 and February 2014. Four years later and the only repair work that has been carried out in this area is whatever some local people have had to do to protect their own properties.

This is very, very disappointing and I am asking that greater priority be given to this issue. It is an issue that can only be progressed by putting sufficient resources into getting the report completed and submitted to the OPW. I would also like to know if the Council has looked to see if Structural funding would be available from Europe to carry out this type of work given that we know there is 25 kilometres of the Kerry coastline in the high risk category.

I ask that due consideration be given to people living at risk of losing all or part of their property and demand that Kerry County Council invest all necessary resources to deal with this matter urgently.”

Cllr. J. Moloney SECONDED the motion.

19. Request that Irish Water set up a full-time office in County Buildings

Pursuant to notice duly given Cllr. M. Healy Rae PROPOSED:

That we the Members of Kerry County Council ask Irish Water to set up a full-time office in County Buildings so that customers from the County of Kerry can have queries dealt with locally.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. M. Healy-Rae stated this is a reasonable request as people with queries have difficulty getting them addressed.

Cllr. S. Locke SECONDED the motion.

20. Economic future of Listowel

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

What supports and incentives will Kerry County Council put in place to ensure the economic future of Listowel Town post construction of Bypass?

The following report issued:

Kerry County Council considers that the economic development and performance of both Listowel Town and wider North Kerry area will be greatly enhanced by the construction of the Listowel Bypass. The provision of this critical infrastructure is both welcome and provides a unique opportunity both for Listowel to reach its full potential as an attractive economic, tourist and heritage destination, and secondly to open up access to the entire North Kerry

region. The proposed project will reduce traffic congestion through Listowel Town centre and enable town centre renewal. The proposed project will improve journey times and connectivity between the Tralee – Killarney hub, strategic port infrastructure and industries in the Shannon Estuary and the Limerick Gateway. Improved transport infrastructure will lever the economic assets of the region to fulfill their potential. The competitiveness of the regional economy and quality of life within the Town centre of Listowel will be enhanced by improving connectivity and reducing traffic congestion in Listowel town centre.

In support of this major economic boost for Listowel, the council will continue to engage with Listowel businesses and communities through the Listowel Business and Community Alliance to enhance the attractiveness of the town, through implementation of the heritage plan, through grant funding for the development of an economic action plan for the town as awarded under the town and village renewal scheme. The Council will continue to progress the North Kerry Greenway which will be a further major economic tourist attraction for the town.

The Council through its LEO office will continue to provide support for business initiatives in the town and through training and development courses including the forthcoming start your own business course and digital marketing scheduled for March of this year. Previous courses include retail development and lean for business programmes.

Cllr. J. Moloney stated while funding has been allocated for the Listowel Bypass it has not been sold to the people of the town. The onus is on Kerry County Council to ensure the best economic outturn for Listowel. There is a genuine fear among business people that motorists will pass the town and consideration should be given to how motorists can be encouraged to come into the town when they are on the John B. Keane road. Cllr. Moloney asked that an economic action plan would be drawn up for Listowel.

Cllr. M. Healy-Rae highlighted that the people of Casteisland had similar concerns and she understood the concerns of the people of Listowel.

The Chief Executive highlighted that many towns across the region would like to get this Bypass. The Bypass will give huge opportunities to the people of Listowel and North Kerry. The Council fought long and hard for it and a project to enable Listowel to be promoted was funded from the Town and Village Renewal Scheme. Listowel is also the only Heritage Town in the county and an application for a heritage grant will be made for the town.

Cllr. Moloney highlighted that the Bypass must be portrayed as a positive opportunity for Listowel and Kerry County Council has a role to play in this. It must be emphasised that this is best for the viability of the town and the Bypass will make other parts of the region more accessible.

22. Subsidy for Irish people travelling to and from other European Member States

Pursuant to notice duly given Cllr. D. Quigg PROPOSED:

That this Council write to the Minister for Transport, Mr. Shane Ross asking him to seek a subsidy from the European Union that would allow people from Ireland to travel to and from our other European Member States in a more cost-effective way.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. D. Quigg highlighted that it costs a family travelling by car on a ferry to Europe €2,000 and this is unfair. Ireland is at a disadvantage in comparison to other Europeans who can simply drive to other countries.

Cllr. J. Sheahan SECONDED the motion.

23. Delays with Glas payments

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

That Kerry County Council would write to the Minister for Agriculture regarding the ridiculous hold up of Glas payments.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. J. Healy-Rae pointed out that various commitments were given that 75% of the Glas payment would be paid in December but many farmers had not received their payments by June or July. One farmer received a cheque that was post-dated 6 weeks. This payment is part of a farmer's income and he asked that a letter would issue to the Department of Agriculture asking them to give farm families what they are entitled to and to ensure these payments are made without further delay.

Cllr. M. Healy-Rae SECONDED the motion.

27. Allowance/discount for full time carers

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

That Kerry County Council write to Minister Paschal Donohoe & Minister Simon Harris and suggest that family members who are full time carers for an incapacitated family member would receive an allowance/discount to help with the costly disposal of nappies.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. J. Sheahan highlighted that many carers incur substantial bin charges due to the disposal of nappies. They save the State by looking after their loved ones and he called on the government to devise a Scheme to assist full time carers.

Cllr. J.J. Culloty SECONDED the motion.

29. Clarification of the support to Tralee Bay Wet Lands Ltd and Killarney Sports & Leisure Centre Ltd in 2015 and 2016.

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

To ask Kerry County Council to clarify (a) the full amounts paid in 2015 and 2016 to Tralee Bay Wet Lands Ltd and Killarney Sports & Leisure Centre Ltd, who are being financially supported by this Council and to outline any outstanding debts/ loans in each case that this Council may be aware of and (b) to clarify any other outstanding historical financial guarantee made by Kerry County Council and amounts involved.

The following report issued:

(a) the full amounts paid in 2015 and 2016 to Tralee Bay Wet Lands Ltd and Killarney Sports & Leisure Centre Ltd, who are being financial supported by this Council and to outline any outstanding debts/ loans in each case that this Council may be aware of

Killarney Sports & Leisure Campus Ltd- The former Killarney Town Council pursued the delivery of a Public Sports and Leisure Centre for the people and visitors of Killarney for many years. The €17 million facility which opened in 2008 was mainly funded by various Government grants, loan financing and the former Killarney Town Councils own resources. Killarney Sports and Leisure Campus Ltd was established as a wholly owned subsidiary of the Council as the most financially efficient structure to deliver and operate the facility. The financial planning underpinning the ongoing and future operation of the facility following its opening incorporates an historical subvention commitment from the former Town Council to this subsidiary company. This subvention amounted to €100,000 during 2015 and €130,000 during 2016. Kerry County Council has a loan balance outstanding of €1,570,144 on this facility at 31/12/2016 which was drawn down in 2007 to provide funding to deliver the project.

Tralee Bay Wetlands Ltd- The former Tralee Town Council developed a masterplan for the Lee Valley in the 1990s and pursued the delivery of the Eco-friendly visitor centre over many years. The €4.5 million project, which opened in 2012, was jointly funded by Tralee Town Council and Fáilte Ireland. Similar to Killarney Sports and Leisure Campus Ltd. a wholly owned subsidiary was set up as the Tralee Bay Wetlands Company Ltd as the most financially efficient structure to deliver and operate the facility. The financial planning underpinning the ongoing and future operation of the facility incorporates an historical subvention commitment from the former Town Council to this subsidiary company. Kerry County Council provided financial support to Tralee Bay Wetlands Ltd of €119,770 during 2015 and €184,361 during 2016. Tralee Bay Wetlands Ltd. does not have any outstanding debts or loans at 31/12/2016.

Financial support provided to these two wholly owned subsidiary companies is reflected in the Kerry County Council Annual Budget for the appropriate years. The Council has strengthened the Management of both facilities with the establishment of an Executive Management Committee comprising of senior staff of Kerry County Council and Management of both facilities which meet frequently to review the operating activities of the respective Centres.

(b) to clarify any other outstanding historical financial guarantee made by Kerry County Council and amounts involved.

Appendix 8 of Kerry County Councils Annual Financial Statement reflects the “Interests of Local Authorities in Companies”, this includes wholly owned subsidiaries of Killarney Sports & Leisure Campus Ltd and Tralee Bay Wetlands Ltd.

Under the terms of the grant funding, Killarney Sports and Leisure Campus Ltd. is to be used exclusively and maintained solely as a major facility for the playing of basketball, swimming and as a fitness centre and associated recreational and cultural activities for the people of Killarney, County Kerry and surrounding district for a term of 15 years from the date of the last payment of any grant.

Under the terms of the grant received this is applicable until 2032.

Under the terms of the grant received Tralee Bay Wetlands Company Ltd. is to be operated as a Wetlands nature zone and eco-tourism centre for a term of 10 years from the date of the last payment of any grant, applicable until December 2023.

Ballybunion Health & Leisure Centre / Bevely Ltd - a guarantee was approved by Council pursuant to Section 66 of the Local Government Act, 2001, to the Minister for Arts, Sport and Tourism to ensure the operation of the facility as a swimming pool and leisure centre for a period of 15 years dating from the payment of the grant, this is applicable until 2021. This facility is managed and operated by Bevely Ltd. and this Council is represented by two senior members of staff represented on the Operations Committee which meet frequently to review the operating activities of the facility. Bevely Ltd is also reflected in Appendix 8 of Kerry County Councils Annual Financial Statement “Interests of Local Authorities in Companies”.

Cllr. B. Cronin noted that there seems to be a substantial increase in these subventions and he asked if it is likely that it will continue to increase at this ratio. He further asked if it is envisaged that these facilities will be self-sufficient in the future and is Kerry County Council liable for any financial burden for the Ballybunion facility.

Ms. McAllen stated that the amount factored in the Budget in 2017 for Killarney is less than 2016 and it is hoped that each of these facilities will be self-sustaining in time. The increased provision for Killarney relates to an increase in the cost of insurance. Following the opening of the Killarney Centre a subvention was factored into the Budget by Killarney Town Council. A number of Council officials are on their Board and there are regular meetings to address financial issues as they arise to strengthen governance procedures. Kerry County Council does not have any other financial commitment to Ballybunion Sports and Leisure Complex other than the guarantee given that it will continue to operate as a swimming pool until 2021.

30. Implement a Pilot Project in Killorglin that supports universal access

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

Further to previous requests I made, Notices of Motion that I have moved, commitments that I received and in view of the ongoing illegal car parking at the Bus Stop in Killorglin and the most serious implications it is having for people with Disabilities, I propose that Kerry County Council immediately implement a Pilot

Project in Killorglin that supports universal access, whereby services and venues would be fully inclusive of and responsive to people with disabilities and disabling conditions so that they can live in or holiday in this town, knowing that they can participate fully.

The following report issued:

The Council is aware of the difficulties with illegal parking the bus stop in Killorglin, and particularly for a person with disabilities.

The issue was raised at the recent Joint Policing Committee meeting in Killorglin, where a commitment was given by the Council and An Garda Siochana to target this area for enforcement, particularly around the scheduled bus departures/arrivals, including outside of normal working hours.

Cllr. M. Cahill stated that the reply did not answer the second part of his motion. The problems with the Bus Stop in Killorglin have been well documented in the media and he raised it at a meeting of the JPC. Members were assured that the Bus Stop would be painted and a commitment was given that after Killarney, Killorglin would be considered as a pilot area. People with disabilities in the area are willing to participate. Cllr. Cahill requested that a more detailed reply would issue to him.

Cllr. D. Quigg **SECONDED** the motion and pointed out that since the new group was established in Killorglin they carried out a walkability study of the town. It would be important that the results of this study would feed into the plan. The painting of the Bus Stop has not yet happened and further signage should be provided also. There is a need for a long term traffic management plan for the town also. In conclusion Cllr. Quigg asked that additional signage would be provided at the Bus Stop in the coming week.

Cllr. J. Healy-Rae highlighted that the majority of people who park at the Bus Stop are not from the town and they park there without realising the problems they are causing. If adequate signage was provided to warn motorists that they should not park there, there would be no excuse for them.

The Chief Executive stated that limited funding is available and Killarney was chosen as a pilot under the Universal Access Grant. It is important to await the outcome of this pilot to see what is involved. She could not give a commitment that Killorglin would be the next pilot.

Mr. C. O'Sullivan informed members that the marking of the Bus Stop is weather dependant.

31. Weekly maintenance programme for all towns with a population exceeding 1500

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

To ask the Director of Operations that a weekly cleaning maintenance programme be carried out in all towns that have population that exceeds 1500 people.

The following report issued:

The maintenance programme for towns and villages in the county are a matter for consideration by the members of each Municipal District in adopting the Schedule of Municipal District Work Plans for their district. These plans are prepared having regard to the funding provisions made by the members in the 2018 Budget and grant aided work programmes.

Cllr. M. O'Shea stated that the population of Milltown is 900 but in excess of 60 houses are not on the Register. If these were added the population of Milltown would exceed 1500 and it should be a scheduled town. The education structure caters for in excess 1,000 children at primary and second level. The recent Census shows that Milltown has grown more than any other village and this weekly cleaning maintenance programme is needed. Cllr. O'Shea asked that it would be maintained.

Cllr. J.F. Flynn SECONDED the motion.

Mr. C. O'Sullivan confirmed that the street cleaning service for Milltown will be continued but the frequency of the service will be a matter for the members.

33. Presentation of 1916 Commemorative Medals to fire fighters

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

That this Council calls for 1916 Commemorative Medals to be presented to fire fighters across Ireland, just as their colleagues that are serving members of other front line emergency services received, to mark the Centenary of the 1916 Rising.

The following report issued:

A similar motion was moved in June 2017 following which a letter issued to the Department of Housing, Planning and Local Government but no reply was received.

Cllr. T. Ferris acknowledged that a similar motion was forwarded to the Department of Housing, Planning and Local Government previously and she asked that the Department would again be contacted for a reply.

Cllr. J. Moloney SECONDED the motion.

34. Pedestrian safety on roads

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask Kerry County Council to write to the Road Safety Authority to highlight pedestrian safety on the roads.

The following report issued:

This is a matter for consideration by the members.

The five-year County of Kerry Road Safety Plan 2016 – 2020, developed by the Kerry Road Safety Working Together Group, and approved by Council, underpins the work of the Road Safety Authority and helps co-ordinate all road safety initiatives within the County.

The Council, is committed to working in partnership, and the plan sets out actions to improve road user behaviour by co-ordinating public education and awareness through schools and community based action. It must be acknowledged that the lead partners have a responsibility to implement this Plan but all road users have a role to play in the endeavour to realise the reduction of fatalities and serious and minor injuries on our roads.

Cllr. D. McCarthy highlighted that some pedestrians do not wear high vis jackets and some foreigners do not understand what side of the road they should walk on. He asked that this issue would be highlighted.

Cllr. J.J. Culloty **SECONDED** the motion and stated that motorists cannot see some pedestrians and cyclists.

35. Developing a Wild Atlantic Way viewing area at Kerry Head

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

Can Kerry County Council let me know what progress has been made with regard to getting a location at Kerry Head and developing a Wild Atlantic Way viewing area there.

The following report issued:

The Tourism Unit are currently assessing a number of locations in North Kerry including Kerry Head for the development of a Wild Atlantic Way Viewing Area. Such issues as availability and procurement of suitable lands, public access, health & safety, funding and level of market appeal are key considerations.

There is no doubt that such a development would enhance the tourism offering in North Kerry and the Tourism Unit will continue to investigate the optimum site for such a development with a view to sourcing the necessary funding.

The decision on site location will ultimately be a matter for Fáilte Ireland.

Cllr. J. Lucid read the following into the record of the meeting.

“Section 1. 15 of the Kerry Tourism Strategy and Action Plan deals with viewing areas, and section 1.15.4 outlines the provision to develop lay byes / viewing areas on the Wild Atlantic having due regard for the environmental designations and sensitivities.

These developments are to be put in place by Kerry County Council in co-operation with Fáilte Ireland. In 2017 an area along the Kerryhead coastline was looked at in relation to the first action item I referred to. I am aware that the second action item is to be located in Ballybunion.

In my view these viewing points will greatly enhance the experience for the tourist. It will give them the opportunity to stop and park safely on the route, rest and take in the magnificent views before continuing on their journey.

These viewing areas could be set up with information boards and a list of the services nearby available on the route. For example, at Kerryhead the beaches of Ballyheigue and Banna could be highlighted as well as heritage sites such as Ardfert Cathedral or the Round Tower at Rato, the North Kerry Way walk from Fenit to Kerryhead. In Ballybunion there is an opportunity to promote Beale and Asdee and the other beaches in the area as well as heritage sites such as Carrigafoyle Castle etc.

In my view such an initiative will support the Wild Atlantic way concept. These facilities can be put in place easily and at a relatively low cost and as I have previously said will greatly enhance the experience for the tourist.

We are now in year three of the 2016 to 2022 plan and I would like to see some movement on these amenities for North Kerry.”

Cllr. J. Moloney SECONDED the motion.

36. Discretionary funding for class three local roads, minor roads and cul-de-sac roads

Pursuant to notice duly given Cllr. M. Healy Rae PROPOSED:

To ask Kerry County Council will there be any discretionary funding for Class three local roads, minor roads and cul-de-sac roads this year?

The following report issued:

The Council has carried out pavement condition surveys of the regional and local road network in the county. The following table gives a summary of the results of these surveys

	Length of Network	% surveyed	Pavement in Poor or Very Poor Condition (km)	Pavement in need of resurfacing (km)
Regional Roads	537	97%	88	201
Local Primary		97%	382	442
Local Secondary		86%	463	420
Local Tertiary		86%	564	349
TOTAL	4446	87%	1497	1412

Roads that are classed as being in poor or very poor condition require full pavement restoration, at least, to improve the riding quality. The estimated cost of improving the road network in the county, having regard to these survey results is as follows:-

	Pavement in Poor or Very Poor Condition (km)	Cost of Improvement	Pavement in need of resealing (km)	Cost of Surface Dressing
Regional Roads	88	€ 13.9 m	201	€ 5.6 m
Local Primary	382	€ 30.2 m	442	€ 9.1 m
Local Secondary	463	€ 41.3 m	420	€ 9.7 m
Local Tertiary	564	€ 50.3 m	349	€ 8.1 m
TOTAL	1497 km	€ 135.7 m	1412 km	€ 32.5 m

The level of funding provided by the Department of Transport Tourism and Sport, in 2016, allowed for pavement improvement works to 13.5 km of regional roads and 63 km of local roads. It also allowed for the surface dressing of 21 km of regional roads and 70km of local roads.

Even allowing for no further deterioration in the road network, considering the level of grant aid in recent years, it would take approximately 20 years to bring all roads up to a reasonable standard and resurfacing of roads every 16 years. The design life for road pavements is 20 years and it is recommended that surface dressing be carried out on roads every 8 to 12 years, depending on the level of usage. On this basis, the level of funding required to maintain the road network needs to be at least double the current level of grant aid provided.

Given the level of funding available and the condition of the road network, priority has to be given to those roads which carry the highest traffic volumes and are the strategic routes connecting the main towns and villages, supporting economic development, including access for industry and tourism infrastructure.

In the 2018 grant allocations from the Department of Transport Tourism and Sport, €477,500 has been allocated specifically for drainage works. This will allow for drainage works on approximately 470 km of our road network, in addition to the works carried out as part of the road improvement and surface dressing programme. The Council is currently developing the road works programme and consideration could be given by the members in allocating some of the discretionary funding to an increased drainage programme, including on local tertiary roads which are in very poor condition.

The Department of Transport, Tourism and Sport have advised that separate funding will be made available this year under the Community Involvement Schemes and €10 million is ring fenced for this scheme nationally. This funding has traditionally been used for the improvement of local minor roads.

The Council received approximately €1m in grant aid from the Department of Rural and Community Development for local improvement schemes and the Department propose to continue to operate this scheme in 2018. This funding can only be expended on private roads serving two or more agricultural landholdings.

Cllr. M. Healy-Rae welcomed the proposed Drainage Programme but the roads she was referring to are in a poor condition and she asked if funding could be identified to improve them.

Cllr. J. Healy-Rae SECONDED the motion.

Mr. C. O'Sullivan stated that the Local Improvement Scheme is one option for these roads and it is hoped that a similar allocation to 2017 will be received in 2018. A recent announcement indicated that funding of €10m was allocated nationally for CIS and he expected that further information would issue from the Department shortly which will be circulated to members.

37. Extra beds at University Hospital Kerry

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

That this Council write to the HSE requesting to have, at a minimum, 35 extra beds made available at University Hospital Kerry.

Mr. L. Quinlan stated this is a matter for consideration by the members.

Cllr. J.J. Culloty highlighted there is an urgent need for additional beds at UHK. Kerry has an aging population and many elderly patients must wait for long periods on trollies and this is not acceptable.

Cllr. J. Sheahan SECONDED the motion.

Cllr. T. Ferris moved Notice of Motion No. 38 in Cllr. Quigg's absence.

38. Universal Design Plan dealing with built environments.

Pursuant to notice duly given Cllr. D. Quigg PROPOSED:

That this Council put in place a Universal Design Plan dealing with built environments for shared access, shared surfaces and home zones, throughout our towns and villages here in Kerry, incorporating Biodiversity also.

The following report issued:

The CDP 2015-21 contains the appropriate reference guidance and regulation in relation to developments being undertaken both by Kerry County Council and also by developments in the private sector.

Section 13; Development management Standards & guidelines include the following;

Access for People with Disabilities; The Building Regulations (Part M - Access for the Disabled) sets out the needs of persons with disabilities that have to be taken into consideration in the design of new and existing structures that allow public access,

Applicants shall also have regard to 'Quality Housing for Sustainable Communities-Design Guidelines (2007)' and Guidelines for Planning

Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)(2009), both issued by Department of the Environment, Heritage and Local Government

The Council shall be informed by the ‘Design Manual for Urban Roads and Streets’ (March 2013) – Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government when designing urban roads and making provision for both pedestrian and cycle movement.

Similarly under

Section 10.13 Biodiversity and Planning Applications

Kerry County Council advises that biodiversity issues be considered at the earliest stage of planning and designing of a development. Pre-planning consultations and advice from planning and biodiversity officers will highlight possible issues relevant to a proposal. Guidance may also be contained in the town / local area plan for the area concerned.

Kerry County Council has undertaken across its work programme significant improvements in providing universal access, upgrades of the public realm, home zones and improvements in road safety through traffic calming measures, footpath programmes, public lighting initiatives throughout the county. Recent significant projects have been undertaken in Tralee, Killarney, Listowel, Killorglin and other areas. The Council continues to seek resources under the various funding schemes including roads grants, town & village renewal grants, designated urban centre grant scheme, Mitchel's Regeneration Scheme and other sources of funding that may emerge.

18.02.19.14 Correspondence – Conferences and Seminars

On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. J.J. Culloty it was - agreed to authorise the attendance of councillors at the following events:

- (a) Cllrs. Thornton and Quigg who attended the Conference on the theme "EU Cohesion Policy 2014 - 2020" held in Carlingford, Co. Louth from 2nd to 4th February 2018.
- (b) No member expressed an interest in attending the Colmcille Winter School on the theme "The Housing Provision in Ireland" to be held in Colmcille Heritage Centre, Gartan, Church Hill, Donegal on the 23rd and 24th February 2018.
- (c) No member expressed an interest in attending the Celtic Conferences event on the theme "New Affordable Houses Scheme" to be held in The Four Seasons Hotel, Carlingford, Louth from the 2nd to 4th March 2018.
- (d) No members expressed an interest in attending the event on the theme "The Citizens Assembly or an Assembly of Citizens" to be held in Whitford House Hotel, Wexford, Wexford from the 9th to 11th March 2018.
- (e) The attendance of the Cathaoirleach on a visit to the US for St. Patrick's Day.

- (f) No member expressed an interest in attending the European Energy Poverty Conference 2018 on the theme “A United Approach Energy Action” to be held in Croke Park Conference Centre, Dublin, on the 29th March 2018.

18.02.19.15 Correspondence General

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

1.	Letter dated 26 th January 2018 from the Office of the Minister for Children and Youth Affairs in response to a resolution from Kerry County Council in relation to Community Childcare Centres.
2.	Letter dated 15 th January 2018 from Wexford County Council in relation to a resolution adopted by that authority asking that the guidance issued by the Data Protection Commissioners should not supersede the public interest role of Councillors both to oversee the allocation of houses and to provide input based on local knowledge to assist in the allocation of housing.
3.	Letter dated 17 th January 2018 from Tipperary County Council in relation to a resolution adopted by that authority calling on the Minister for Environment to amend the legislation with regard to collection of waste so as to allow small operators to provide a service to those who live in remote areas, areas where large vehicles cannot access or where householders have very limited amounts of waste and lack storage space for bins.
4.	Letter dated 18 th January 2018 from Waterford City & County Council in relation to a resolution adopted by that authority calling on the Minister for Justice to commence the Commission of Investigation into the alleged cover up of sex crimes by paedophile Bill Kenneally.
5.	Letter dated 3 rd February 2018 from Galway County Council in relation to a resolution adopted by that authority calling on the Minister for Transport and the Minister for Justice and Equality to provide each local authority with efficient laws (bye-laws) to deal with the illegal parking of caravans and camper vans on public and private roads, right of ways and non-designated camp sites.

18.02.19.16 Any other business

Mr. Quinlan reminded members that the March meeting would be held in 3 weeks and the closing date for receipt of Notices of Motion was the following Monday.

The meeting concluded at 5.55pm.

Liam Quinlan
Meetings Administrator

Cathaoirleach of Kerry County Council