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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, 15 DEIREADH FÓMHAIR, 2018**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,  
15 OCTOBER, 2018**

**PRESENT/I LÁTHAIR**

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

**APOLOGIES/LEATH SCÉAL**

<b>J. Healy-Rae</b>	<b>M. Healy-Rae</b>
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**IN ATTENDANCE/I LÁTHAIR**

<b>Ms. M. Murrell, Chief Executive</b>	<b>Mr. J. Breen, Director Water Services</b>
<b>Mr. C. O'Sullivan, Dir. of Operations</b>	<b>Mr. M. O'Donoghue, Director Housing</b>
<b>Mr. C. O'Connor, Director Corp. Servs.</b>	<b>Ms. A. McAllen, Head of Finance</b>
<b>Mr. L. Quinlan, Meetings Administrator</b>	<b>Ms. J. McCarthy, SEO Tourism</b>
<b>Mr. O. O'Shea, Press Officer</b>	<b>Mr. D. Doyle, SE Operations</b>
<b>Mr. D. Ginty, A/Senior Planner</b>	<b>Ms. D. Griffin, SO Corporate Support</b>
<b>Ms. O. O'Shea, CO Corporate Support</b>	<b>Ms. J. O'Sullivan, CO Corporate Support</b>
<b>Mr. F. Hartnett, SEE Operations</b>	<b>Mr. E. Scanlan, SEE Operations</b>
<b>Mr. J. Ahern, SEE Operations</b>	<b>Mr. T. O'Connor, County Librarian</b>

The meeting commenced at 10.40 a.m.

Cllr. N. Foley, Cathaoirleach, took the Chair.

**Vote of Sympathy**

The Cathaoirleach expressed a vote of sympathy to the family of Tom Griffin, a member of Kerry County Council staff.

The Cathaoirleach expressed a vote of sympathy to the family of Emma Mhic Mhathúna.

The Cathaoirleach expressed a vote of sympathy to the families of Valerijs Klimentengvs, Jurijs Burcves and Anatolijs Teivens.

Cllr. M. Gleeson expressed a vote of sympathy to the family of Niall McGillicuddy, Killarney.

All members supported these votes of sympathy and a minute's silence was held.

## **Suspension of Standing Orders**

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy it was agreed to suspend Standing Orders to allow the meeting to break for lunch at 12.30 p.m.

### **15.10.18.01 Cathaoirleach's Report on the CPG meeting held on 9<sup>th</sup> Oct, 2018**

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

#### **"Agenda for the October Council Meeting"**

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

#### **Update from the Chairs of SPCs**

Cllr. M. Kennelly briefed the meeting on the items considered by the Operations SPC at their meeting held on 7<sup>th</sup> September 2018. This report will be circulated at the October 2018 meeting.

Mr. J. Breen, Director of Service, briefed the meeting on the items considered by the Tourism, Culture, Arts & Recreation SPC at their meeting held on 19<sup>th</sup> September 2018. This report will be circulated at the October 2018 meeting.

Cllr. N. Kelleher advised that a meeting of the Quality of Life SPC will be held in late October.

#### **Request for Civic Receptions/Annual Awards**

All requests on hand were considered by CPG having regard to the Kerry County Council Protocol for Civic Honours Conferral adopted at the Council Meeting held on the 17<sup>th</sup> October 2016 and agreed as follows:

<b>Award</b>	<b>Name</b>
Civic Reception at November Council Meeting	<ul style="list-style-type: none"><li>• Listowel Tidy Towns Committee</li></ul>
County Annual Award	<ul style="list-style-type: none"><li>• Kerry Minor Panel</li><li>• Kerry U-21 Hurling Team</li><li>• Friends of Kerry University Hospital</li><li>• Participants from Kerry who made up team Ireland at the Halliwick Games</li><li>• Listowel Writers Week Committee</li></ul>
Killarney MD Civic Reception in Nov 2018	<ul style="list-style-type: none"><li>• Owners and Trainer of "Silent Whisper", the Irish Greyhound of the Year</li></ul>
Killarney MD Joint Civic Reception	<ul style="list-style-type: none"><li>• James &amp; Harry Knoblauch and Oran O'Donoghue who won the overall best group at the BT Young Scientist and Technology Exhibition</li><li>• Darragh Fleming, Colm Looney and Ethan O'Neill who won the National Parks and Wildlife Award</li></ul>
Killarney MD Annual Award	<ul style="list-style-type: none"><li>• St. Mary's Basketball Club Castleisland Ladies Team</li><li>• Spa GAA winners of the All-Ireland Scór na n-Óg Rinne Set</li><li>• Damien Fleming, Killarney 2018 All Ireland Senior Men's Stroke Play in Pitch and Putt Winner</li><li>• All Ireland Fleadh na h-Éireann winners from: [a] Spa GAA Club, Killarney, and [b] Kilcummin GAA Club</li></ul>

Killarney MD Annual Award, Contd.	<ul style="list-style-type: none"> <li>• Jordan Lee - Bronze medal winner at the European Paralympics in Berlin</li> <li>• All Deerpark Kerry U-16 Pitch and Putt team National Inter-County event Winners</li> </ul>
Certificate of Recognition to be presented at a Listowel MD Meeting	<ul style="list-style-type: none"> <li>• Kerry Camogie Team</li> </ul>
Listowel MD Civic Reception	<ul style="list-style-type: none"> <li>• Jonathan Sexton made to Ireland's victory in this year's Six Nations Competition</li> </ul>
South & West MD Annual Award	<ul style="list-style-type: none"> <li>• Glenbeigh Handballers and now World Champions, Dominick Lynch, John Joe Quirke and Jack O'Shea</li> <li>• Kathryn Shaw, Killorglin, Irish Hockey team over 50s world champion</li> <li>• Milltown Community and Chamber Alliance - shortlisted for the 2017 Excellence in Local Government Awards</li> </ul>
South & West MD Civic Reception	<ul style="list-style-type: none"> <li>• KCYMS Basketball Club – National League Champions</li> </ul>
Tralee MD Annual Award	<ul style="list-style-type: none"> <li>• Presentation Sec. School, Tralee under 16 All Ireland League and All Ireland Basketball cup winners</li> <li>• Tralee's' Black Belt School of Martial Arts – success in National, European and World competitions</li> </ul>
Tralee MD Civic Welcome	<ul style="list-style-type: none"> <li>• Teams participating in the Under 16 International Soccer Tournament which will be held in Tralee from November 11th to 16th 2018.</li> </ul>

### **Any other business**

#### **Culture Night**

CPG Members agreed that a tree planting ceremony would be held during the lunch time break of the October Ordinary Meeting

#### **Commemoration of Votáil 100**

CPG Members agreed that a tree planting ceremony would be held to mark Votáil 100, the 100 year anniversary of Irish women gaining the right to vote."

#### **15.10.18.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane, it was resolved that the minutes of the September Ordinary Meeting held on the 17<sup>th</sup> September 2018 be confirmed.

#### **15.10.18.03 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 & Local Government. The Qtr 3 Financial report and Summary of Main Collections is will be included as an Appendix to next month's report.

## **Infrastructure, Operations, Health & Safety Directorate**

### **Operations Directorate**

#### **Local Improvement Schemes**

Work is expected to be substantially completed on the programme of Local Improvement Schemes by the end of the month with 19 of the 34 schemes approved for funding completed by the end of September. The Council has made a submission to the Department of Rural and Community Development for a further €771,000 to complete the outstanding 33 approved schemes and 7 emergency and hardship schemes, for which applications were received during the year.

## **Economic & Community Development Directorate**

### **Kerry Local Enterprise Office (LEO)**

Work has commenced on the 2018/2019 Schools Programmes for the Student Enterprise Awards. All schools have been contacted and a total of 20 schools have now signed up for the programme. Up to 600 students engage with the programme annually with the support of teachers and mentors.

The office hosted a Trading Online Seminar in late September in Listowel attended by 30 businesses seeking to upgrade their online offering.

A number of programmes have been scheduled over the next few weeks including Business Start Up, Digital Marketing, Facebook and Instagram marketing. There has been strong demand with online course bookings. A budget briefing event has been scheduled for 11<sup>th</sup> October and this heavily subscribed event will also be used to deliver general information on Brexit and national and local supports for businesses affected by Brexit. Other programmes are performing well including Trading Online Voucher Scheme and Mentoring Programme.

A further €104,000 was approved for projects at the September evaluation meeting.

## **Economic Development Unit**

### **National Enterprise Town Awards 2018**

Castleisland and Kenmare were selected as the Kerry towns to compete in this year's Bank of Ireland National Enterprise Town Award.

The event is designed to recognise and reward towns where businesses and the community come together to showcase the spirit of enterprise in their local area. Last year, Tralee won the overall national honour in the competition and was named Ireland's Most Enterprising Town 2017 while Listowel was a runner-up.

As part of the competition, Kenmare and Castleisland were visited by the judging panel on Monday October 1<sup>st</sup> and Tuesday October 2<sup>nd</sup>.

## **Urban/Rural Regeneration and Development Fund**

Kerry County Council has submitted a number of projects for funding for Killarney and Tralee under the Urban Regeneration and Development Fund. It has also submitted a number of projects for County Kerry under the Rural Regeneration and Development Fund. Kerry County Council has also supported applications by Fáilte Ireland, Udarás na Gaeltachta and the Office of Public Works. Members have been advised by the Director of Services of the projects submitted by Kerry County Council, which are ready to go to construction, and those projects that require further preparatory works. These proposals are required to be considered in the light of other calls under the Enterprise Ireland & Gateway Strategy funding streams.

## **IDA Visit to Tralee and Business Forum**

IDA Ireland South West Regional Office hosted a familiarisation visit to Tralee for its Growth Markets, Emerging Business, New Forms of FDI and Product Development

and Transformation teams on Tuesday the 2<sup>nd</sup> of October and Wednesday 3<sup>rd</sup> October. The purpose of this visit was to showcase IDA's Advance Building Solution, view the Kerry Technology Park, meet with IT Tralee and some IDA client companies and see first-hand what the town of Tralee has to offer. As part of the visit, a very engaging business leaders forum took place.

## **Community Department**

### **Healthy Ireland**

Kerry is holding its first Health & Wellbeing Week, which is running from the 6<sup>th</sup>-14<sup>th</sup> October. There will be over 50 free events taking place across the county, in Tralee, Listowel, Killarney, Killorglin, Kenmare, Dingle, Cahersiveen, Castleisland and Ballyduff. These events aim to promote the Five Ways to Wellbeing and to ensure people are aware of the many mental health supports and services that are available in our county. More information is available on [www.healthykerry.ie](http://www.healthykerry.ie)

### **Community Enhancement Programme**

The Department of Rural and Community Development has announced an additional allocation of €222,831 to Kerry under the above scheme. Kerry's LCDC recommended that this would be used to fund the applications received previously, which had been only been partially funded, as the fund was oversubscribed. In this regard, 17 groups in Kerry received additional funding totalling €77,861. The balance of funding is to be used to support Age Friendly actions in Kerry's Age Friendly Workplan and the LECF which includes the development of home maintenance programmes, intergenerational projects and age friendly parking initiatives.

### **Men's Shed**

A total of €17,391 was allocated from the Department of Rural and Community Development under the Community Enhancement Scheme specific to Men's Sheds. In Kerry, 11 Men's Sheds received funding under this scheme.

### **Public Participation Network**

The PPN held an Access for All workshop in Listowel, which was very well attended on 25<sup>th</sup> September. The next workshop is scheduled to take place in Killorglin on 25<sup>th</sup> October from 2.00-5.30pm.

### **Comhairle na nÓg**

The Comhairle na nÓg AGM is scheduled to take place on 11<sup>th</sup> October at the Rose Hotel, Tralee where young people across the county will gather to discuss and explore various themes and decide on key topics to focus on in 2019.

### **Tidy Towns Competition**

As the Members are aware Listowel were named Ireland's overall Tidiest Town for 2018 in addition to being named Ireland's Tidiest Small Town for 2018. Great credit is due to the dedicated volunteers who achieved this great accolade.

In total 40 towns and villages from various urban and rural areas of Kerry entered this year's competition. This represents an overall rise in the number of entries to the 2018 competition from the county. In addition to Listowel's overall success, the towns of Tralee, Killarney and Kenmare also retained their gold medals.

It should also be acknowledged that first time entrants from Knocknagoshel and Asdee, along with the return of Causeway to the competition were welcomed and encouraged by visiting judges.

## **Tourism Department**

### **Outdoor Recreation Infrastructure Scheme 2018**

The applications listed below were successful under the Outdoor Recreation Infrastructure Scheme 2018 which is part of the Government's Action Plan for Rural Development and provides funding for the development and maintenance of outdoor amenities.

	<b>Project:</b>	<b>Funding Allocation:</b>
1	Top of the Coom looped walk – maintenance and promotion	1600
2	Keel Uphill Downhill loop and Caher Marsh Loop - upgrade, maintenance and promotion	2000
3	Glenbeigh - promotion	640
4	Promotion and development of up to date map board inserts for the Kerry Way	19600
5	Extension of The Emlagh Loop Walk and brochure for the promotion of The Monks Trail	6000
6	Bonane Heritage Park	3180
7	Linking the Monks Trail with the Bolus Loop Walk	5600
8	Inch boardwalk	20000
9	Killarney bike racks	16000
10	Oysterbed, Sneem - amenity area	15000
11	Killeen Woods upgrade	11098
12	Town Park Listowel	20000
13	Town Park Tralee	14400
14	Ballybunion Viewing Telescopes with amenity area	20000
15	Clogher Strand amenity area	15200
16	Parks & Gardens of Kerry Brochure	11680
17	County Kerry Activity Brochure translation into German and French and Reprint	7200
	<b>Total Allocation under Measure 1:</b>	<b>€189,198</b>

### **Let's Talk Tourism Forum**

Kerry County Council is supporting the Let's Talk Tourism annual conference which will take place in the Great Southern Hotel in Killarney on the 9<sup>th</sup> November 2018.

### **LAMA Training Seminar held in Castleisland**

A very successful LAMA Training Seminar facilitated by Kerry County Council was held on Friday 28<sup>th</sup> September in Castleisland with a very relevant theme "Tourism – Its economic benefits and role of local authorities".

### **Planning and Sustainable Development**

#### **Architecture Kerry Festival**

Architecture Kerry Festival took place over the weekend of the 28<sup>th</sup> to the 30<sup>th</sup> of September. The event, showcased and celebrated the best of the county's architectural legacy and tradition, featured free talks, guided tours, exhibitions, workshops and family events and was part of and funded by the Creative Ireland Programme.

The RIAI exhibition of the awards showcasing the best architecture of 2017 and the exhibition showcasing projects from Kerry architects will remain in Tralee library until Saturday 13<sup>th</sup> October 2018 and is open to all.

## **Water, Environment, Fire & Library Services Directorate**

### **Fire Safety Week**

The annual National Fire Safety week 2018 is run from 1<sup>st</sup> to the 8<sup>th</sup> October 2018. The aim of National Fire Safety Week is to highlight issues of fire safety and create awareness of the dangers of fire. Fire Safety Week is particularly significant for the fire service. It is an opportunity to engage the public with fire safety issues and to attempt to influence them towards safe behaviour. The theme for this year is “STOP Fire – Working Smoke Alarms Save Lives”.

### **Library Self-service provision**

Following approval of a grant of €266,750 from the Department of Rural and Community Development towards the roll out of self-service technology in libraries, Kerry County Council has now introduced a self-service facility at a number of its libraries across the county. It has been very well received in the libraries where it is operational to date and it will be rolled out in other locations during October.”

Cllr. M. Gleeson referred to the Irish Business Against Litter (IBAL) 2018 results and noted the work done in the towns that featured well in the results. In relation to Fire Safety Week, he moved Notice of Motion No. 3.

### **3. Fire Risk Mapping**

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

That Kerry County Council, informed by the prolonged recent high summer temperatures and cognisant of the many community – devastating conflagrations abroad, would seek to compile an inventory of locations where there may be imminent danger of life and property should adjacent tinder-dry growth catch fire and become an out of control inferno.

#### **The following reply issued:**

Risk mapping (inventory of locations) is a responsibility of risk owners and the risk maps of the state agencies such as the National Parks and Wildlife Service and Coillte are available to stakeholders including the Fire Service. It is the responsibility of homeowners, landowners and private forestry owners to implement fire safety measures around their property. An appropriate management plan and fire plan is a requirement for land with a commercial activity.

The Fire Services Department meets with various local community groups to discuss their concerns in relation to Wildfire fire safety. The Fire Service has also published leaflets detail precautions that rural dwellers should take to protect against gorse fires.

The “Kerry Wildfire Inter-Agency Group” works with state agency like NWPS and Coillte to develop Fire Safety plans for high rise areas around the county using the real time mapping from the European Forest Fire Information System (EFFIS) and the Forest Fire Danger Notices are issued by the Department of Agriculture during the main wildfire risk season.

These notices provide the Fire Services and forest/landowners owners with advance warning of high fire risk weather conditions, and permit appropriate readiness measures to be taken in advance of fire outbreaks.

The Forest Fire Danger Notices are based on daily Met Éireann Fire Weather Index (FWI) and European Forest Fire Information System (EFFIS) outputs, with additional processing and daily analysis by DAFM, in conjunction with the Fire Service and other relevant agencies.

Like other forms of weather warnings they are colour coded. Increasing levels of preparation and vigilance are required as the risk levels scale from Green through

to Red. This colour code system also considers the Fine Fuel Moisture Content (FFMC) to determine when “tinder-dry” conditions may exist.

Since the 7th September the code has been at the default Condition Yellow – Moderate Hazard Alert. Be Aware.

To minimise exposure to risk from wildfire, all forest/landowners owners should carry out hazard/risk assessments for their lands, and take adequate measures to protect and exclude fire from their properties during the different risk condition levels. Such measures may include the installation of firebreaks, or the removal of dangerous vegetation in proximity to property and critical assets.

Cllr. M. Gleeson said we are aware of the reality of ferocious fires in foreign places during extremely hot weather. These infernos destroy homes, properties and some even claim human lives. In Ireland we are familiar to a lesser extent with difficult to control fires on mountain sides and in forests. He said he was made aware, during the prolonged heatwave of earlier this year, of concerns among homeowners who reside close to tinder dry commonage or woodland. He said he highlighted this to the area engineer in order that he would be familiar with the danger and maybe take pre-emptive action, if that was possible. He asked that the Council and its Fire Brigade Units would inform themselves of locations of possible danger and that property owners would be alerted. In that way the danger could be averted by the issuing of advice to those owners and to any nearby properties that might be in danger. The likelihood of hotter summers should encourage Irish Water and this Council to install additional hose connection points for the convenience of Fire Units and the safety of nearby residents. He asked that an inventory of locations in most danger from great fires would be established as far as that is possible. It will be money well spent because it will result in property and lives being saved.

Cllr. J.J. Culloty SECONDED this motion.

Cllr. J.F. Flynn congratulated all students who participated in the Student Enterprise Awards adding that it is very important for young people to be encouraged to be involved in enterprise. He congratulated Cllr. Bobby O’Connell on the work done to bring the LAMA Conference to Castleisland. He said he has previously asked that a diaspora conference would be held and asked that this would be considered. In relation to the Urban/Rural Regeneration and Development Fund he asked that the county’s Cattle and Horse Fairs are supported. They are traditional fairs that must be encouraged and revitalised as they are important for bringing people into the towns on Fair Days throughout the year.

Cllr. J. Finucane welcomed the IDA visit to Tralee and reiterated his call to have IDA personnel based in the county on a full time basis whose sole function is to promote Kerry as a region for investment, similar to the Enterprise Ireland Officer.

The Chief Executive said she met with the IDA during the last week and a person has been assigned by the IDA to be based in Kerry for 2 days per week, to be accommodated in the Enterprise Ireland office.

Cllr. J. Finucane welcomed this announcement and said it is a significant step for the county.

Cllr. P. Daly congratulated everyone involved in Tidy Towns groups, in particular the Tralee group. He referred to the IBAL 2018 results which states that litter is worsening in disadvantaged areas. Fly-tipping is continuing to be a problem and in effect there is



a monopoly with standing charges for refuse collection. With regard to walkways, he asked that the urban walkway from the north side of Tralee to the river would be progressed. He said Irish Water were carrying out works this morning in Tralee and there had been no consultation with businesses. It caused traffic chaos and he asked that this be followed up with Irish Water.

Cllr. P. Connor-Scarteen welcomed the announcement in relation to the IDA Officer. With regard to the Local Improvement Scheme, he asked when it is expected to know the outcome of the submission for a further €771,000. He asked when the projects to be funded under the Urban/Rural Regeneration and Development Fund would be announced. He congratulated all involved in the Tidy Towns groups across the county.

Cllr. T. Ferris asked that a report be presented to the Elected Members at the November Council meeting regarding the EU Court of Justice ruling on the NASDAQ case regarding the Working Time Directive. This case was specific to fire fighters but could apply to other staff for any period on standby. This could have serious implications, including budgetary implications, for Local Authorities and other organisations.

Cllr. D. Grady welcomed the IDA visit to Tralee and highlighted that there are many vacant premises in Killarney which could be considered by the IDA for development.

Cllr. M. Cahill welcomed the appointment of the IDA Officer for Kerry and asked the Chief Executive to request the IDA to concentrate on the county's blackspots, e.g. Caherciveen and Iveragh where there is continuous population decline. In relation to the Local Improvement Scheme, he asked if the Elected Members would have an opportunity to bring mitigating circumstance to the attention of Kerry County Council for consideration when prioritising the LIS applications.

Cllr. S. Locke congratulated Listowel on its achievement in the Tidy Towns competition and congratulated all the volunteers for their work. He called for more people to become involved as volunteers in tidy towns groups. He expressed disappointment with the IBAL report regarding Tralee and hoped that the issues would be addressed, adding that further staff resources may be required for town clean ups.

Cllr. M. Kennelly congratulated all towns and villages involved in the Tidy Town competition and in particular, congratulated Listowel on being named as Ireland's Tidiest Town for 2018. This significant milestone for the town has been achieved by the work of groups of volunteers in Listowel. The tidy towns groups and their work must be supported. He welcomed the announcement of funding under the Outdoor Recreation Infrastructure Scheme, in particular the funding for Listowel Town Park and Ballybunion. With regard to the Local Improvement Scheme, hopefully the submission for further funding will be successful and all applications will be funded. He asked for a list of the projects that have been applied for under the Urban/Rural Regeneration and Development Fund. He asked if the proposed extension of the North Kerry Greenway to link with the Tralee-Fenit line could be financed under this fund.

Cllr. N. Moriarty congratulated all organisations that do great work for tidy towns. In relation to the Urban/Rural Regeneration and Development Fund, she welcomed the funding for 6 applications and asked if alternative funding will be sought for the 6 applications that were unsuccessful.

Cllr. A. Thornton said as Cathaoirleach of Listowel she wished to congratulate the Listowel Tidy Towns group on their success in the Tidy Town competition having being named as Ireland's Tidiest Town for 2018. She said she had previously raised the issue of using drones to monitor the illegal disposal of waste. Other Local Authorities have had drones funded under an Anti-Dumping Initiative and she asked if Kerry County Council would consider the use of drones for this purpose.

The Chief Executive said in relation to the Local Improvement Scheme a submission has been made to the Department for further funding.

With regard to the Urban/Rural Regeneration and Development Fund, Kerry County Council has made submissions and as there are a number of applications from across the country, it will be a period of time before the outcome of those submissions is known.

In relation to greenway funding, Tralee-Fenit has been submitted under the Urban/Rural Regeneration and Development Fund as it is under 20km in length. The North Kerry Greenway is an extension of the Limerick Greenway into Kerry so a submission has been made under the Strategic Greenway Strategy. 25% own resource funding will be required for these applications if successful.

The EU Court ruling on the Working Time Act is being considered locally and nationally.

In relation to the Town and Village Renewal, Kerry County Council has done exceptionally well on rural recreation funding compared to other counties. It is important that the strategic budget be used to its maximum to fund the successful projects. It is also important that the Municipal District budget be used to its maximum to allow for drawdown of this funding. We did submit more projects than were funded and will review unfunded projects with a view to identifying an alternative funding stream.

Mr. J. Breen, Director of Service, said there are strict regulations around the use of drones. The use of a drone in relation to illegal dumping will be considered and will be brought back to the Members.

#### **15.10.18.04 2019-2021 Multi-Annual Restoration Improvement Programme**

Mr. C. O'Sullivan, Director of Service, referred Elected Members to report on the 2019-2021 Multi-Annual Restoration Improvement Programme for Regional & Local Roads, which had been circulated. He thanked the Elected Members for working with the Municipal District staff in preparing the Programme. He outlined that the Council has been requested by the Department of Transport, Tourism and Sport to prepare a new programme, for the period 2019 to 2021, under the Restoration Improvement Grant Scheme for Regional and Local Roads. Roads must be prioritised taking account of the condition of the pavement (and associated drainage); traffic levels and with an emphasis on early intervention before major structural deterioration of the pavement takes place.

While the Department advises that Councils should aim to minimize programme changes, it also recognises that external factors such as severe weather events can require substantial amendments during the course of any programme.

The key requirements of the Department, in relation to projects to be submitted are:

- The programme should be based on an annual budget estimate of 100% of our initial 2018 Restoration Improvement Grant allocation, which was €9.144 million. This provided for improvement works on 74 km of regional and local roads and a

contribution of €1.097m million to additional drainage and footpath programmes last year.

- The programme should include for roads in urban areas.
- The roads selected must satisfy certain criteria in relation to a "Pavement Surface Condition" survey - (*approximately 1500 km (39%) of our road network has been classified as being in poor condition*).
- On completion of works, roads will be required to meet the maximum standard pavement condition rating of 10.
- Restoration Improvement works on Regional roads must account for a minimum of 15% of the total annual expenditure in the list.
- Community Involvement Schemes are funded separately and will not be included in this programme. Previously a sum of €130,000 was allocated towards this programme from the Restoration Improvement programme.
- Grants under the Restoration Maintenance programme can now only be used for surface dressing works and therefore surfacing works in urban areas, where macadam surfaces are primarily used, need to be considered as part of this Restoration Improvement Programme.

### **Current Condition of the Road Network**

Whilst 83% of our Regional Road network is considered to be in reasonably good condition, over 37% of our local roads are considered to be in very poor condition (33% of the Local Primary Roads; 38 % of the Local Secondary Roads and 40% of the Local Tertiary roads). To bring these roads up to a reasonable standard would require an investment of approximately €170 m.

Having regard to the projected available funding of €27m over the 3 year period, and the condition of the road network, the prioritization of roads to be funded in the draft programme was developed having regard to the objectives in our Corporate Plan 2014 - 2019 and the Kerry County Council Local Economic and Community Plan, 2016 – 2022, in supporting economic development. In this context, the strategic importance of the Wild Atlantic Way, access to strategic infrastructure and roads leading to tourism facilities were considered.

In 2018, the Department allowed some flexibility to local authorities to transfer funding from the Restoration Improvement Grant to the Discretionary Grant, allowing for an enhanced footpath and drainage programme. The Department also provided a separate grant of €477,500 for drainage works and have indicated that a similar level of funding will be provided in 2019.

The Department have advised that there will be no discretion afforded to transfer funding in 2019. However, drainage works can be funded on specific roads identified under the Restoration Improvement Programme and this is included in the estimated cost for the works. Furthermore, the commitment of further specific funding for drainage works will allow for a significant drainage programme in 2019, which management will ensure is prioritized over the 2019 programme.

In urban areas and villages, special consideration was given to sections of the network where the footpaths also need to be improved in conjunction with the road pavement.

Since the adoption of the 2016 – 2018 programme in February 2016, the County has experienced eight severe weather events, five of which resulted in damage to the road network. Whilst the Council were able to recoup funding for the immediate response and clean up, no additional funding was provided to address damaged infrastructure. Therefore, it is proposed to set aside €400,000 annually, from the draft programme, towards the repair cost of any potential damage to key access routes because of such events.

Cllr. T. Ferris suggested that as the Programme has been discussed at Municipal District level, that if there are some issues members are not happy with, that they would be raised by way of a Notice of Motion.

Cllr. M. Kennelly agreed with this suggestion and PROPOSED that the 2019-2021 Multi-Annual Restoration Improvement Programme be adopted.

Cllr. P. McCarthy SECONDED this proposal.

Cllr. J. Moloney said the Elected Members met on 10<sup>th</sup> September to discuss this Programme and agreed a list of works. He expressed his dissatisfaction that on 4<sup>th</sup> October Listowel Municipal District Members were notified by e-mail of a briefing to be held on 8<sup>th</sup> October, which he could not attend and at which changes were made to the list of works on the Programme.

Cllr. T. Barry agreed with the sentiments expressed by Cllr. Moloney and questioned the procedural means by which this happened. He said he will be supporting the adoption of the Programme but asked that this would not happen again.

Cllr. A. Thornton agreed with Cllr. Ferris and said Municipal District meetings were held where issues were raised, including the matter of Elected Members not being in a position to attend the briefing meeting. She asked that adequate notice would be given for future briefings.

Cllr. L. Purtill acknowledged that changes have been made to the Programme but supported its adoption.

Cllr. B. Cronin supported the sentiments expressed by Cllr. J. Moloney as he too was unable to attend the Killarney briefing. He asked that notice of such briefings be given well in advance. He asked Mr. C. O'Sullivan, Director of Service, to define the reference in the report to 'strategic infrastructure' and asked if one of the major reservoirs in the county would be categorised as 'strategic infrastructure'.

The Chief Executive said the Multi-Annual Restoration Improvement Programme is before the Elected Members today for consideration. The initial meeting held in Listowel was to discuss important issues in relation to retaining monies for severe weather. A separate application is made to the Department for funding for roads damaged during severe weather. In addition, as the block grant is no longer available, a substantial footpath programme had to be provided for. Under this Multi-Annual Restoration Improvement Programme, work on footpaths can be included. A drainage works programme was also being provided for. For these reasons, the Roads Programme had to be reshaped. In relation to the issue raised in respect of Listowel she advised that the consultation procedure will be reviewed. The Programme before the Elected Members today is a well-balanced programme, which will have a real impact on the road network.

Mr. C. O'Sullivan, Director of Service, said in relation to 'strategic infrastructure', Carrigafoyle Castle is an example because it is important to tourism in the county and commitments were giving to promoting this castle. The inclusion of water treatment plants under this definition would depend on the size and scale of the plant.

On the PROPOSAL of Cllr. M. Kennelly, SECONDED by Cllr. P. McCarthy it was agreed to adopt the 2019-2021 Multi-Annual Restoration Improvement Programme.

#### **15.10.18.05 Special Meeting for the Election by Kerry County Council of the member of the Governing Body of UCC**

It was noted that a special meeting for the Election by Kerry County Council of the member of the Governing Body of the National University of Ireland, Cork, will be held on Monday, 19 November 2018 at 1.30 p.m.

#### **15.10.18.06 Corporate Risk Register**

Mr. C. O'Connor, Director of Service, referred Elected Members to report on the Corporate Risk Register, which had been circulated and outlined that the objectives of the risk management policy are to:

- Integrate risk management into the planning and decision-making processes and culture of the Council
- Manage risks in accordance with best practice.
- Anticipate and respond to changing social, environmental, legislative, political, economical, technological, competitive, and customer requirements.

The Risk Register records details of the risks identified across the units, their grading in terms of likelihood of occurring and seriousness of impact on the objectives at a corporate and directorate or business unit level.

The Risk Register and the levels of assurance will inform the work of the Audit Committee and the Internal Audit plan.

The Corporate Risk Register sets out the principal risks facing the organisation as a public body. It also outlines the current mitigations / controls / management actions that are in place to effectively deal with the risk, together with proposed additional actions required to reduce the likelihood and / or consequence arising in relation to this area of activity.

There are seven risks listed as Red Risks in the current Corporate Risk Register and these take account of the following risk streams:

1. Council finances / uncertainty of local income streams and government allocations.
2. Data protection taking into account the new GDPR requirements.
3. Cyber Security / Cyber attacks.
4. Business disaster recovery in the event of serious IT infrastructure or data loss.
5. Telephony system – update of technology required.
6. Safety Health and Welfare at Work Statutory requirements.
7. Emergency Response to Severe Weather Events.

There are an additional nine risks listed as “Amber Risks” which also require on-going monitoring and assessment to ensure that the various risks listed are managed effectively.

It is proposed that over the next six-nine month period the structure of the Risk Register will be revised to re-categorise risks based on “Inherent” or “Residual” risk type. This will provide for greater levels of information in relation to the type of risk and actions required and will assist in the management of the process going forward. The change in format has been discussed with the Audit Committee who are in favour of the revised approach.

The Corporate Risk Register is reviewed on a regular basis by the Senior Management team and is brought to the attention of the Audit Committee on an annual basis for consideration.

#### **15.10.18.07 Report from Cllr M. Kennelly on the meeting of the Operations SPC**

Report from Cllr M. Kennelly on the meeting of the Operations SPC was noted.

#### **15.10.18.08 Report from Cllr M. Cahill on the meeting of the Tourism, Culture, Arts & Recreation SPC**

Report from Cllr M. Cahill on the meeting of the Tourism, Culture, Arts & Recreation SPC was noted.

#### **15.10.18.09 Date for December Ordinary Meeting**

It was noted that the December Ordinary Meeting will be held on Monday, 17 December 2018 at 10.30 a.m.

#### **15.10.18.10 Summary of proceedings at events**

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

- (a) ALLG Annual Training Conference held in Waterford from 12<sup>th</sup> - 14<sup>th</sup> April 2018 by Cllr. J. Moloney.
- (b) Irish Private & Public Bodies Training Seminar on the theme "Public Private Partnerships - Opportunity or Threat" held in Wexford from 8<sup>th</sup> - 10<sup>th</sup> June 2018 by Cllr. J. Moloney.
- (c) Irish Private & Public Bodies Training Seminar on the Local Area Boundary Commission held in Donegal from 6<sup>th</sup> - 8<sup>th</sup> July 2018 by Cllr. L. Purtill.

#### **15.10.18.11 Approval for the Opening of Tenders**

- a) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of tenders for N70 Dromquinna Pavement and Minor Improvement Works Contract (0.9km long) - Closing Date: Friday, 12<sup>th</sup> October 2018 at 4.00 p.m.
- b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. McCarthy, it was agreed to approve the opening of tenders for the construction of a Single Rural Dwelling at Owngarry, Killorglin and associate site works - Closing Date: Monday, 15<sup>th</sup> October 2018 at 3.00 p.m.
- c) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for N86 Doonore North to Slieve East Pavement Improvement Project - Closing Date: Monday, 22<sup>nd</sup> October 2018 at 4.00 p.m.
- d) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. D. Quigg, it was agreed to approve the opening of tenders for N72 Killorglin to Anglont (Killorglin approaches) Engineering Consultancy - Closing Date: Thursday, 25<sup>th</sup> October 2018 at 4.00 p.m.

## **Lunch break**

The meeting adjourned for lunch at 12.30 p.m. The meeting resumed at 1.45 p.m.

## **Emergency Motion**

It was PROPOSED by Cllr N. Moriarty "That in light of the recent tragic drowning of three men at Coonana, Caherciveen, that we remind people of the necessity to wear life preservers and to have a means of making contact with Emergency Services in a mayday situation."

Cllr. N. Moriarty asked that assistance be provided to design and erect signage that is language neutral as part of this process.

Cllr. M. Cahill SECONDED this motion.

## **15.10.18.12 Notices of Motion**

### **2. Public Water Mains**

#### **Pursuant to notice duly given Cllr. D. Grady PROPOSED:**

I am calling on Kerry County Council to put the system that which will get rid of all burst water pipes across Municipal District areas like Firies and Barleymount just to mention a few. This should be looked at across the County urgently as people are finding themselves without water on a regular basis.

#### **The following reply issued:**

Funding for all public water mains in Kerry is the responsibility of Irish Water. Kerry County Council has been proactive in working with Irish Water to secure over €15m in funding for replacement water mains in the County since 2014, a significant portion of which has been allocated to the Mid-Kerry Water Supply Network, which includes Firies and Barleymount. The majority of these water mains have been replaced by our own direct labour crews. Kerry County Council continues to work with Irish Water to identify deficient water mains in need of replacement in the County and in securing the necessary funding for their replacement. The pilot Find and Fix Project, specifically set up by Irish Water to find and fix leaks in the water mains throughout Kerry, commenced in January 2018. To date 146 leaks have been identified, 108 have been fixed and a total of 3000M3 per day of water have been 'saved'. This represents 50% of the overall target for the two-year pilot programme

Cllr. D. Grady noted the reply.

### **4. Heritage Officer**

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

When does Kerry County Council expect to fill the vacancy of Heritage Officer for the County.

#### **The following reply issued:**

The protection of our heritage is an important function carried out by this planning authority. Management is satisfied with current arrangements for the assignment of staff within the Planning Department who have been delegated specific responsibilities in this important area.

Cllr. T. Ferris asked for clarity on the current arrangements as referred to in the reply. She asked what duties are being carried out and what other responsibilities that member of staff has. As it was previously a full time position, she asked if this has impacted on the work being carried out.

The Chief Executive said a member of staff is carrying out the functions of Heritage Officer and she is satisfied that progress is being made on the Heritage Plan. She said conservation and heritage are part of the one unit and are assigned to one person. The roles and duties in relation to heritage are being performed. Recruiting another staff member for this role is dependent on funding. She said she is satisfied that the priorities required in the area of heritage are being carried out to the standard expected.

## **5. Signage at Kerry County Council Tourism Projects**

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

That full signage be erected acknowledging Kerry County Council and the relevant Municipal Areas involvement in tourist projects such as The Tralee Bay Wetlands, The Windmill and other projects throughout the County.

### **The following reply issued:**

A full review of all council owned attractions/amenities will be undertaken and where necessary additional signage will be erected highlighting the role of the Council and public funds in providing such facilities.

Cllr. J. Finucane said Kerry County Council must take credit for the projects it is involved in and highlight the activity levels at Local Government level. Clear signage should be erected to inform the public of what Kerry County Council is responsible for.

Cathaoirleach N. Foley SECONDED this motion.

## **6. Online School Curriculum**

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

That Kerry County Council call on the Minister for Education, Richard Bruton T.D., to address the huge expense associated with School Books and follow the lead of Finland and many more countries by putting the School curriculum online for both teachers and pupils.

### **Mr. L. Quinlan stated this is a matter for resolution by the members.**

Cllr. M. Cahill said parents of school going children are under extreme financial pressure with the cost of school books. The curriculum is changing on a regular basis so the purchase of second hand books is not applicable. The weight of school bags is also an issue. It is important that the Minister considers introducing an online school curriculum.

Cllr. J.F. Flynn SECONDED this motion.

## **7. Location of Speed Vans**

### **Pursuant to notice duly given Cllr. J.F. Flynn PROPOSED:**

That Kerry County Council come up with a policy to stop Go Safe Speed Vans from setting up a depot outside all Kerry County Council Graveyards pulling for speed.

### **The following reply issued:**

This is not a matter for Kerry County Council. The locations for the Speed Camera vehicles are determined by An Garda Síochána.

Cllr. J.F. Flynn said this issue was brought to his attention in relation to speed vans being parked outside cemeteries when a grieving family are attending a burial. This is



very disrespectful and intimidating for people visiting the cemetery and is not acceptable. He said he cannot accept that An Garda Síochána are responsible in this case. This is the property of Kerry County Council and we should be able to stop these speed vans parking near our property. While they do an important job, they should not be parked outside a graveyard. They should be located at a more suitable area.

Cllr. M. Kennelly **SECONDED** this motion.

The Chief Executive said it is a matter for An Garda Síochána to determine the locations for the speed camera vehicles.

Cllr. J.F. Flynn said he could not accept this. Kerry County Council must take a stance on this and he called for the speed vans to be moved to a more suitable area.

The Chief Executive said the matter would be referred to the Joint Policing Committee for discussion. An Garda Síochána locate the speed camera vehicles at accident black spots.

It was unanimously agreed that the following would be referred to the Joint Policing Committee:

“That this Council write to the Joint Policing Committee to highlight Councillors’ concerns with speed vans parking on Council owned properties and in particular outside cemeteries”

#### **8. N69 Listowel to Tralee Road**

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

That Kerry County Council provide a progress report on the proposed road works on the N69 Listowel to Tralee Road, from Coolnaleen Cross to Mountcoal.

##### **The following reply issued:**

The Pavement Overlay Design for this 4km section of road is underway, with all ground surveys substantially complete. The final design report will be submitted to the TII by early November and subject to its approval we expect to have the tenders for the proposed works published shortly afterwards.

Cllr. M. Kennelly said this is a national route, which is in deplorable condition and needs to be upgraded.

The Chief Executive said that it is intended that works on this road will go ahead. As part of the scheme the Transport Infrastructure Ireland must approve the design, the design is in process and it is expected the tenders will be published shortly.

#### **9. Letters regarding Hedge Cutting**

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

To ask Kerry County Council to cease the practice of sending hedge cutting letters to farmers, who consistently meet their responsibilities. Many farmers take umbrage with this as it is a given that they will keep their hedges in trim and obey the law of the land.

##### **The following reply issued:**

The issuing of such letters is solely to remind landowners of the opening of the hedge cutting season and in seeking their co-operation in maintaining the public road network. It also affords the Council the opportunity to raise awareness of other issues such as

managing Japanese Knotweed and other invasive species. The issuing of the letters should be considered in this context.

The Council will also consider a range of options for communicating important messages on such matters, including any changes to legislation, using local and social media.

Cllr. J. Sheahan said farmers & landowners are annoyed that Kerry County Council is sending these letters when they have already cut their hedges. Surely it is only those who are non-compliant that should get this letter. He called on Kerry County Council, on behalf of compliant landowners and farmers, to stop the practice of sending reminders to the landowners/farmers.

Cllr. D. Grady **SECONDED** this motion.

Cllr. J.J. Culloty moved **Notice of Motion No. 27.**

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

As there are serious safety implications for all road users, that this Council take meaningful measures to address the lack of compliance regarding hedge cutting on our roads.

**The following reply issued:**

The Council has reviewed its procedures in relation to complaints regarding hedges and trees. Whilst there has been a positive response from the majority of landowners where notices have been issued in recent years, it is acknowledged that there can on occasions be delays in inspecting locations, identifying landowners, and getting an appropriate timely response.

Where representations/complaints are received in relation to hedge cutting, these will now be assessed by staff in the local Area Office within 3 working days of receipt of the representation/complaint, and a determination made as to whether a statutory notice is required. Where a notice is issued to a landowner, a period of 2 weeks will be allowed for the landowner to carry out the necessary works, following which the location will be inspected within a further 3 working days. Where landowners fail to comply with a statutory notice the Council will arrange to have the hedge / tree cut within a target of 2 weeks. The Area staff are also currently arranging contractors to address junctions and hedges within Council ownership and are liaising with members in relation to any specific areas of concern.

Updates in relation to all representations made and our response to these requests in future will form part of the Operations Directorate report at the municipal district meetings.

There is a high level of compliance by landowners throughout the county, with significant hedge cutting being carried out within the timeframes specified under the Wildlife Act, 1976 (i.e. from the 1st September to the end of February).

The majority of the complaints in relation to over grown hedges are made to the Council in late summer / early autumn. Proposed changes under the Heritage Act, 2018, which may allow for the cutting of hedges/trees from the 1<sup>st</sup> August going forward will be of greater benefit to landowners and road users.

Cllr. J.J. Culloty said letters should issue to landowners, however, the letter could be amended to thank landowners if they have already cut their hedges. He thanked the Senior Engineer in Roads for visiting a number of roads in the Killarney area to see the danger on roads where the hedges have not been cut back. He acknowledged the changes that are proposed under the Heritage Act, however, there should be no hesitation in cutting hedges at any time of the year if there is a health and safety issue.

Cllr. B. Cronin recognised the great work done by landowners who cut their hedges. As the letters are generated by computer, he asked that Kerry County Council would amend the letter being issued to include “if you have already cut your hedges please ignore this letter.” He said he awaited the action promised in relation to hedge cutting. In relation to the change in legislation, he said he understands that if there is a safety issue at any time during the year the Council can send out a notice requesting that the hedge be cut and the landowner will be protected, not penalised.

Cllr. M. Cahill said letters should not be issued. The system that was in place previously worked well and Councillors were able to contribute from their Councillor’s Allocation. Many roads are closed in with hedges which are a danger to road users and a scheme should be introduced to address this and it would help in the control of Japanese Knotweed.

Cllr. P. McCarthy said there is also an issue whereby hedgecutting is done only on a vertical cut and the rest of the hedge/trees are left overhanging the road which is a hazard for large vehicles.

Cllr. S. Locke moved **Notice of Motion No. 10.**

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

In light of the recent storms and the threat of further storms, I am asking that Kerry County Council commence cutting back, remove and crown trees that might be a danger to the general public as soon as possible.

**The following reply issued:**

The onus of ensuring that trees do not pose a risk to public safety is the responsibility of individual landowners. All landowners with roadside trees should inspect same and where necessary cut back, remove or crown any trees that may pose a risk. The Council has previously informed forestry companies and other landowners who have substantive afforestation along the public road of their statutory obligations in this regard.

The Council will be carrying out further visual inspection of trees on its own property, particularly in urban areas, estates and public parks, over the coming weeks

Cllr. S. Locke said this is an issue every year; storms are becoming more problematic, more severe and more frequent. Trees are knocking down power lines. More investment is needed to address this matter. A reminder to landowners could be published in the press. Kerry County Council should be able to assist landowners that have difficulty financing hedge cutting. We need to have employees on the ground with proper equipment to address this problem all year round. He supported the notices of motion from Cllr. Sheahan and Cllr. Culloty.

Cllr. M. Gleeson SECONDED this motion and said it is a very serious matter. The road into the National Park in Killarney is closed at times of red weather warnings, the same danger from trees exists on national roads.

Mr. C. O’Sullivan, Director of Service, said the views of the Elected Members are taken on board. The letter that issues is an information and advisory letter. Other ways of issuing this information can be considered. It is acknowledged that many landowners do cut their hedges when they get the information letter and even before that letter has issued. The letter will be amended to include a sentence regarding hedgecutting that has been done.

If there is a danger arising from hedges that have not been cut, the legislation allows Kerry County Council to cut hedges outside of the season, however, we are mindful that this is private property. The statutory notice is issued to the landowner with specific timeframes set out within which the hedges/tree must be cut. If the landowner does not cut the hedges/tree within the timeframes of the notice issued Kerry County Council can carry out the work. The issue of trees and overhanging branches was raised at the last SPC meeting. The Municipal District Engineers will liaise with Elected Members on this matter and notices are being issued where required. Contractors are on board to carry out a cutting programme if there is no response to the notices issued.

Cllr. S. Locke asked if Kerry County Council can do anything in relation to hedge cutting where the landowner has passed away and the land is in probate.

Cllr. J. Sheahan asked when the changes will be made to the reminder letter.

Mr. C. O'Sullivan, Director of Service, said the reminder letter issues at the start of the cutting season, i.e. it was issued at the end of August 2018. The letter will be reviewed before it is issued for 2019. Notices being issued will be amended from this week, i.e. if the hedge cutting has been done the notice can be ignored. He said responsibility for hedge cutting has been devolved to the Municipal District Engineers who will carry out the inspections. He asked Elected Members to bring any particular issues to the attention of the Municipal District Engineers.

## **11. Halloween Public Information Campaign**

### **Pursuant to notice duly given Cllr. T. Barry PROPOSED:**

That Kerry County Council will remind people of the potential danger involved from bonfires and bangers during the Halloween festivities.

### **The following reply issued:**

Each year Kerry Fire Service runs a public information campaign to advise the public of the inherent dangers of bonfires and illegal fireworks at Halloween. This includes advice on the siting, construction and supervision of bonfires as well as the potential serious personal injury that can be caused by the use of illegal fireworks/bangers.

Kerry Fire Service also advises adults in particular to keep a watchful eye on the very young, the very old, and the vulnerable members of our society. We also ask parents to remind their children that Fire Fighters and other emergency services personnel are there to protect them and their property and ensure the safety of the public. We ask that they respect and co-operate with the emergency services: the Fire Service, Council staff, the Gardaí and ambulance crews carrying out their duties at Halloween.

These messages are communicated through social media (Kerry Fire & Rescue Service Facebook and Twitter accounts), through a Radio Kerry Halloween Safety ad and through Halloween safety articles in Kerry's Eye and The Kerryman newspapers.

This campaign will be run again this year in advance of Halloween. Fire Safety Advice leaflets which are issued to the public for Halloween will be circulated to the members.

Cllr. T. Barry said the potential danger from bonfires and fireworks is a serious issue at this time of year must be highlighted. He asked if the information leaflets could also issue to schools to make students aware of the danger. He suggested that community organised Halloween events might deter bonfires and the use of illegal fireworks.

### **13. Kerry Airport Routes**

#### **Pursuant to notice duly given Cllr. P. Connor-Scarreen PROPOSED:**

That Kerry County Council request Kerry Airport to give an update on plans for further viable routes. France and Italy should be explored.

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

Cllr. P. Connor-Scarreen complimented the work done by Kerry Airport on the existing routes and asked that consideration would be given to exploring the viability of other routes, e.g. to France and Italy.

Cllr. M. Kennelly SECONDED this motion.

### **15. Public Water Mains Connection at Gleann na Greine, Rathmore**

#### **Pursuant to notice duly given Cllr. N. Kelleher PROPOSED:**

That Kerry County Council work with Irish Water to immediately connect Gleann na Greine in Rathmore to the public water mains.

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

### **16. Set back distance for Turbines**

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

To call on this Council to immediately begin the process of inserting into our County Development Plan a minimum set back distance of ten times the height of turbines from dwelling houses, as was unanimously agreed at the June Full Council Meeting.

#### **The following reply issued:**

The Wind Energy Development Guidelines 2006, issued by the Minister under Section 28, are, at present, subject to a review. The Minister announced a preferred draft approach to the guidelines in June 2017 which included:

- The application of a more stringent noise limit, consistent with World Health Organisation standards, in tandem with a new robust noise monitoring regime, to ensure compliance with noise standards;
- A visual amenity setback of 4 times the turbine height between a wind turbine and the nearest residential property, subject to a mandatory minimum distance of 500 metres;
- The elimination of shadow flicker; and
- The introduction of new obligations in relation to engagement with local communities by wind farm developers along with the provision of community benefit measures.

The Department of Housing, Planning, Community and Local Government have stated that following the completion of a Strategic Environmental Assessment the new statutory guidelines will be finalised. The Minister has advised all Local Authorities in Circular Letter PL 20-13 dated the 20<sup>th</sup> of December 2013 that until this policy review process is complete local authorities should defer amending their existing Development Plan policies as part of either the cyclical review or variation processes. The Minister further advised that Local Authorities should instead operate their existing Development Plan policies and objectives until the completion of these processes and advised otherwise by the Department. Upon finalisation of the Ministerial Guidelines it is intended to review their impact on the current Renewable Energy Strategy and ascertain if further changes are necessary to the strategy. In the

interim, however, a review of the Landscape Character Assessment is underway to inform any revisions, if necessary, to the current Renewable Energy Strategy and the review of the County Development Plan which is due to commence in 2019.

Cllr. J.J. Culloty said a simple fact about Wind Energy is it is incapable of reducing our CO<sub>2</sub> emissions in any meaningful way. Using an apple to explain clearly why that is the case, he said the full apple represents 100% of our CO<sub>2</sub> emissions. Cutting off 30% of the apple, this 30% represents CO<sub>2</sub> emissions from agriculture. Our energy produces the balance, i.e. 70% of CO<sub>2</sub> emissions. Of that 70%, electricity produces about 20% CO<sub>2</sub> emissions. The other 80% is what we use on our transport and other heating.

In relation to the 20% for our electricity, now because we have about 20% wind power, we save about 20% of our CO<sub>2</sub> emissions from wind. As wind is variable, wind turbines are permanently backed up with Gas generators and that eats into the CO<sub>2</sub> saving, and some say about 20% savings. So, from our entire 100% of CO<sub>2</sub> emissions saved, the saving from wind is about 2% to 4%.

The apple represented 100% of CO<sub>2</sub> emissions and what we save by using wind power, is about 2% to 4%.

To get to that 2% to 4%, we have had to build about 1,400 large industrial wind turbines spread over 180 locations in our landscape. This is not a meaningful saving. Another option would be to convert Money Point, our biggest polluter, to EU certified sustainable bio mass, by doing this we would achieve our 20/20 renewable targets

A notice of motion was passed at the June 2018 Council meeting and nothing has been done with it. It is time to do something on this. We cannot allow the Minister to dictate to us. Rural Ireland will pay a huge price if we do not act and make decisions for ourselves. This has gone too far, the size and scale of turbines is a factor as is how it will affect tourism. We must begin immediately the process of inserting into our County Development Plan a minimum set back distance of 10 times the height of turbines from dwelling houses.

Cllr. J. Moloney said there has to be action on this as we are operating with a blank canvas. No matter what Kerry County Council decides on a planning application, An Bord Pleanála is acting without accountability/transparency on this. Guidelines are promised and still awaited. He supported this motion.

Cllr. T. Ferris welcomed the motion, however, said that on 28<sup>th</sup> September, 2017, every Fine Gael and Fianna Fáil TD voted against a proposal brought before the Dáil by Brian Stanley, TD, wherein he proposed a legal setback distance for wind turbines of 10 times the height of the turbine.

The Chief Executive said at the June, 2018, Council Meeting Elected Members were advised that work was to be done on the Landscape Character Assessment while awaiting the publication of the Wind Energy Guidelines. It is expected that the Landscape Character Assessment will be complete and ready to be presented to the Elected Members in December, 2018. She referred to a Parliamentary Question and the reply to same which stated that it is expected that the revised Draft Wind Energy Guidelines together with a comprehensive report will be published in the coming weeks along with a public consultation on same. The Landscape Character Assessment must be finalised and brought before the Elected Members. Thereafter there will be a consultation phase before the Wind Energy Guidelines are adopted. Early 2019 is mentioned and that would fit in with Kerry County Council's County Development Plan. We have a statutory requirement to complete Local Area Plans and the Landscape

Character Assessment. Until that time we have a direction from the Minister not to amend the County Development Plan and the current Energy Policy is to remain in place. If we were to put something into the County Development Plan, decisions we make would be appealed to An Bord Pleanála and deemed illegal. It is hoped that by the time we have the Landscape Character Assessment brought to Council the public consultation phase on the Wind Energy Guidelines will commence soon after. She said she could not see how Kerry County Council could embark on an amendment to the County Development Plan when there is a direction from the Minister not to amend it. A process was agreed with the Elected Members within which the first thing was to undertake the Landscape Character Assessment and this is currently being done.

Cllr. J.J. Culloty said this time last year he put down a proposal and was told that in Quarter 1 2018 it would be progressing. In Quarter 4 2018 it is no further progressed. He said he does not think it would be illegal if Kerry County Council makes a decision to insert a minimum set back distance of 10 times the height of turbines from dwelling houses. What is proposed in the Draft Wind Energy Guidelines is a set back distance of 4 times the height of turbines, that set back distance is not enough and it is not good for the county. He said he does not have faith in the Department in relation to this matter and the proposed guidelines will not solve the problems. While understanding the directive from the Department, they do not understand the need for a set back distance of 10 times the height of turbines. Kerry has done a lot in relation to renewable energy. The Elected Members are elected to represent people and he called on the Executive to start the process immediately regardless of what the Department will do.

Cllr. M. Kennelly supported the motion.

The Chief Executive said if she is to bring an amendment to the County Development Plan it has to be proper and what is right in bringing an amendment. She said she cannot bring an amendment when the Minister has directed there should be no change to the County Development Plan. What was agreed with the Members in addressing this was that a full review of the Landscape Character Assessment would be undertaken. That work is underway by the Planning Department. When the Guidelines are published an environmental assessment and public consultation will form part of the process, expected by early 2019.

She said if she were to bring an amendment before the Elected Members and the Members agreed to amend the County Development Plan as proposed, then (1) like in the case of another Local Authority the Minister would direct that the amendment would be taken out, and (2) a planning application on appeal to An Bord Pleanála would highlight that the Kerry County Development Plan is in contravention of the existing Wind Energy Guidelines. Until such time as the new guidelines are in place, Kerry County Council is bound by the existing guidelines.

Cllr. J.J. Culloty again asked to begin the process of inserting into our County Development Plan a minimum set back distance of 10 times the height of turbines from dwelling houses. He said the Minister is not acting in our best interest and the Elected Members want this change as there must be a proper setback distance in the County Development Plan. Elected Members represent the people of the county and they deserve to be represented properly. He asked if the UN reports which say that there are serious health hazards from the noise of turbines were taken into account.

The Chief Executive suggested the Local Authority request a definitive timeline for the publication and implementation of the guidelines. Following a presentation from the

A/Senior Planner on the Draft Wind Energy Guidelines, when published, a collective view could then be formed on how to future proof the county for wind energy planning. The implementation date of the guidelines is paramount and could be requested that from the Department.

Cllr. J.J. Culloty said accepted that requesting the implementation date would be useful, however, again asked to begin the process for inserting a minimum set back distance of 10 times the height of turbines from dwelling houses into the County Development Plan.

The Chief Executive said the commitment she gave previously is that the first step would be to commence work on the Landscape Character Assessment. She said she is holding to this commitment on what is a comprehensive and detailed piece of work and it is hoped to bring the Landscape Character Assessment to the Members in December.

Cllr. J.J. Culloty said to get the requested amendment to the County Development Plan implemented the Landscape Character Assessment must be done. He asked, therefore, if it is fair to say that the process to implement the amendment has been started.

The Chief Executive said the Landscape Character Assessment is the first step in its implementation.

Cllr. J.J. Culloty asked if there is a commitment then that a minimum set back distance of 10 times the height of turbines from dwelling houses will be inserted into the County Development Plan on the completion of the Landscape Character Assessment.

The Chief Executive said the Landscape Character Assessment is the first step and it is hoped the Draft Wind Energy Guidelines will be well advanced by the time the Landscape Character Assessment finalised.

Cllr. J.J. Culloty asked if it is then that he requested amendment will be inserted into the County Development Plan. When the Landscape Character Assessment is done we must immediately set about implementing the set back distance of 10 times the height of turbines from dwelling houses as was agreed at the June 2018 Council Meeting.

The Chief Executive said on completion of the Landscape Character Assessment she would have to reflect on how best to progress. She said she hopes that the Landscape Character Assessment will be presented to the December Council meeting and at that stage she will have a position regarding bringing a variation to the County Development Plan where it is contrary to national policy.

Cllr J.J. Culloty said inserting a minimum set back distance of 10 times the height of turbines from dwelling houses into the County Development Plan might be contrary to national policy but Kerry has a lot done for renewable energy. It has been agreed to make this amendment to the County Development Plan.

## **17. Parent and Child Parking Spaces**

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

That Kerry County Council consider providing parent and child parking spaces in public car parks.



**The following reply issued:**

This can be considered as part of a review of our car parks and the parking strategies in our towns.

Cathaoirleach N. Foley SECONDED this motion.

**18. Children's Mental Health Report**

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

That this Council support my motion calling on the Minister for Health to implement the Children's Mental Health Report carried out by the Seanad's Public Consultation Committee as a matter of urgency.

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

Cllr. D. Quigg said a staggering number of young people have died by suicide in the last number of years. The conclusion of the public consultation forum report reads, *"The Committee finds that there is a chronic lack of standardised services and a lack of clarity surrounding the operations of Child and Adolescent Mental Health Services in Ireland, particularly from the perspective of service users. In order that the equity and accessibility of mental health services for children be enhance, the Committee recommends that the finding in this report be discussed by the Seanad and given appropriate consideration in the upcoming review of 'A Vision for Change'.*

*Dr. Geoffrey Shannon, Special Rapporteur on Child Protection, told the Committee that when the State takes a child into its care, it is saying it can do a "better job". He hastened to add that when the State fails that child, it fails them "a second time". The submissions received from parents reflect the traumatic consequences this can have. We have raised expectations only for those expectations to be dashed in the context of poor communication between agencies and the failure to deliver on services.*

*Every child under the age of 18 years in Ireland has the right to life, survival and development. Every child should have a fair chance in life. Unfortunately, the submissions made to this Committee suggest that the restricted allocation of resources to mental health services for children and adolescents do not appear to prioritise needs based, timely services nor does the allocation of resources take account of the greater need for mental health services in areas of deprivation.*

*This report not only reflects the serious flaws in Children's mental health services but also the solutions to these issues."*

Cllr. Quigg said there are only 18 spaces in Cork for young adolescents presenting with mental health issues. This report must be implemented as soon as possible.

Cllr. M. Cahill SECONDED this motion.

Cllr. J.F. Flynn supported this motion and said not enough is being done for mental health. Many people have to wait for 12 months to access services. There is a need for education around mental health, addictions and the things that lead to mental health issues. Funding for alcohol and drug centres assist only 10 people per year, other additions are not assisted. More education on these issues is required in schools, starting at primary school level.

## **19. Leaving Certificate Exam Re-Checks**

### **Pursuant to notice duly given Cllr. T. McEllistrim PROPOSED:**

That the Council calls on the Minister for Education to put in place structures to ensure that Leaving Certificate Students seeking re-checks can do so quickly and effectively so that the student need not miss out on their choice of college place.

### **Mr. L. Quinlan stated this is a matter for resolution by the members.**

Cllr. T. McEllistrim said this is an important issue as it can affect a person's choices for life.

Cllr. D. McCarthy SECONDED this motion.

## **21. Election of TDs to the First Dáil**

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

What plans are in place to mark the election of Piaras Béaslaí, James Crowley, Fionán Lynch and Austin Stack to the First Dáil.

### **The following reply issued:**

As previously advised to Council in a report from the Tourism, Arts, Culture and Recreation SPC, that Kerry County Council Commemorations Group decided earlier this year to mark the centenary of the election, in December 1918, of Kerry MPs Fionán Lynch (South Kerry), Austin Stack (West Kerry), Piaras Béaslaí (East Kerry) and James Crowley (North Kerry), who became members of the First Dáil in January 1919.

It is proposed to arrange information panels which would be erected at the County Library in Tralee (with the potential for display in other public buildings such as Kerry County Museum) and which would include biographical details and photographs of the TDs.

It is proposed that the descendants of the four TDs as well as all former Dáil Deputies from Kerry would be invited to a launch of the display in November

Cllr. T. Ferris asked why the County Museum and the Chamber are not involved along with the library services. The 1918 election will be one of the last centenary events and should be marked in the appropriate way. She referred to a request to the Chief Executive that (1) the training budget be used for Irish classes for the Elected Members and (2) that a section of each Council meeting would be transacted through the medium of Irish. This a way in which the memory of these men could be honoured. This remaining unifying aspect of the history of this county should be celebrated. She suggested that there could be engagement with Dáil na nÓg; a debate/discussion could be held on the Dáil then and now; a display of photographs of the members who formed the first Dáil in County Buildings; liaison and engagement with schools; a lighting display on the County Museum or images from that period could be displayed on the Museum on that night to pay sufficient tribute to these first TDs from this county.

Cllr. P. Connor-Scarteen SECONDED this motion and said these TDs were united when they formed the first Dáil and it should be marked. The SPC could also consider ways to commemorate this important milestone.

The Chief Executive said the SPC did consider the commemorations around the 1918-1919 period and the proposals outlined in the reply to the notice of motion were part of what was agreed. This can be referred back to the SPC if the Elected Members wish. In relation to Irish classes, the initial step is that a questionnaire will be circulated to Elected Members to establish the level of training required.

It was agreed that this matter be referred to the Tourism, Culture, Arts & Recreation SPC.

## **22. Economic Conference**

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

That Kerry County Council host an Economic Conference which would invite leading members of the Kerry diaspora to encourage investment in the County and to promote the development of the Sara Lee site, Fels Point site and the Island of Geese.

### **The following reply issued:**

Council Management support the hosting of this Economic Conference as outlined and will arrange for this event in 2018, early 2019. The conference will be a broader based conference dealing with the economic development of the county. Kerry County Council has also engaged with the diaspora through the "Prosper Series". This is a joint initiative between Kerry County Council, Guinness Enterprise Centre, Dublin and the ITT through a number of high profile events, where meetings have been held introducing the services and supports within the county to our diaspora. Referral support has also been sought from the diaspora to assist a number aspiring businesses seeking market extension contacts. The first network event was held in Dublin in November 2017 and was supported by KCC contacts including CE Moira Murrell and representatives from the Economic Development Unit and the LEO. Further events are planned both in Kerry and Dublin. The Council has supported the successful submission "KerryScitech" initiative under the Regional Enterprise Development Fund in association with industry leaders, Kerry County Council & IT Tralee, to develop a professional marketing strategy for the county to both attract investment and the necessary skills to Kerry. It is proposed to bring a Diaspora Strategy to the Council before in December 2018. Kerry County Council will be strongly aligned to the Global Economic Conference which will be held in the County in early 2019.

Cllr. J. Finucane welcomed the conference to be held and said this is about marshalling resources via our diaspora and advising them of sites that are available for development within key locations around the county.

Cathaoirleach N. Foley SECONDED this motion.

## **23. Dedicated Alzheimer's Park in Kerry**

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

That Kerry County Council give favourable consideration towards the provision/development of a dedicated Alzheimer's Park in Kerry that will serve as a respite for the ever-increasing number of people in our County that have been and continue to be diagnosed with this terrible illness and their Carers.

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

Cllr. M. Cahill said the provision of a dedicated Alzheimer's Park in Kerry would be an opportunity for us to do something to help people living with this condition. Such a facility would give a degree of comfort and support to patients and carers, and would be broadly welcomed throughout the county. He asked that Kerry County Council would consider giving land for such a park which could then be developed privately.

Cathaoirleach N. Foley SECONDED this motion and said it would be an excellent response to an issue affecting many people in the county.

## **24. Viewing Spots/Pull in Areas at Scenic Points**

### **Pursuant to notice duly given Cllr. P. Connor-Scarreen PROPOSED:**

That Kerry County Council install along our road sides extra viewing spots/pull in areas along the Ring of Kerry, Ring of Beara and Dingle Peninsula. This would be good for tourism but more importantly safety.

### **The following reply issued:**

The Council take opportunities when they arise to acquire lands adjoining the Ring of Kerry, Ring of Beara and the Dingle Peninsula that may be suitable as viewing areas. As advised at the MD meeting, a number of such schemes have been advanced.

The Council also seek to take advantage of road widening schemes on the road network to create viewing areas.

Cllr. P. Connor-Scarreen acknowledged the reply but said this work is slow in progressing. The main issue is safety when tourists wish to pull in to view the scenery.

Cllr. D. McCarthy SECONDED this motion.

## **26. Statement to the McCarthy Family**

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

As an elected Representative of the Listowel area I'm calling on the Mayor of Kerry to make a statement on behalf of the people of Kerry, to the McCarthy Family to address their traumatic story of events in Ireland during the 1940s. These traumatic events has been recently documented on an RTE documentary.

### **Mr. L. Quinlan stated this is a matter for resolution by the members.**

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

"Mayor/Cathaoirleach, due to the unusual and sensitive nature of this motion and respecting the dignity of the family involved in these tragic events, rather than speak to the motion on this occasion I wish to read a statement:

In the first instance, I realise that the motion under discussion is of a historic nature. However, there is a different context to this as a member of the immediate family is still living as well as many other relatives, so I'm conscious that we need to be mindful, of their concerns and feelings at this time. It is quite common and proper for institutions of the state to offer apologies, even for events which happened many years ago. We have had a litany of apologies at this stage. An Taoiseach, Bertie Ahern, President Mary McAleese and Taoiseach Enda Kenny made speeches apologising on behalf of the Irish state to the victims of child and institutional abuse. In May 1999 An Taoiseach, Bertie Ahern, made an unreserved apology on behalf of the Irish state to the victims of institutional abuse. In June 2009, President Mary McAleese made a speech at a reception in Áras an Uachtarán for survivors of institutional abuse. On 19 February 2013, An Taoiseach, Enda Kenny, apologised to the Magdalene women on behalf of the State. I would like to quote from the speech of former President Mary McAleese:

*"The people of Ireland are desperately sorry for the many ways in which you were not cherished, in the abuse itself, in the silence, in the failure to act, in the failure to listen, hear and believe in time. In their name, I offer everyone here and all those, whose little lives were robbed of the joys of childhood our heartfelt sorrow."*

We were all aware in Listowel of the circumstances of this tragic event surrounding the death of Peggy McCarthy and what happened later to her daughter who is still alive. Our understanding from the stories that we heard is that it was the Catholic Church alone which was the guilty party. Little did we know nor were we aware of the role played by the Kerry County Council at the time until we listened to Conor Keane's excellent documentary. It was the Council who controlled the hospitals and set out the regulations and the Church at the time was a willing partner in the way unmarried mothers were treated.

Conor is to be complemented for the quality of his research and locating living witnesses of the event. The story is heart rendering and tragically very sad. I have no intention of recounting here the details again of these dreadful events. We have all listened to the documentary and I'm sure we all felt quite ashamed that it happened in our community and that a woman could be treated in such a heartless fashion.

I know that it was a different Ireland where the Church and State were intertwined, and it was very hard to separate one from the other. One did the bidding of the other. However, on this occasion many people in Listowel knew that what was happening to Peggy McCarthy was fundamentally wrong and challenged the powers that be at the time. Not an easy route to take, but knew in their hearts that an injustice was taking place. We salute those brave souls too, many who have passed to their eternal rewards. We can take some slight consolation from the actions of this civic minded group in getting a Christian burial for Peggy McCarthy.

Amends are required to try in some small way to heal this wound, even though very belated.

We know that what happened the family was very tragic and those wounds will never be healed. However, as a member of Kerry County Council and realising the role that the Council played at the time and their involvement in refusing medical care to the mother in Listowel and Tralee hospitals, it is now the duty of Kerry County Council to offer some form of apology and expression of regret to the McCarthy family for their part in this tragic event."

The Cathaoirleach, Norma Foley, said in deference to the family and the sensitivity of this issue she spoke with a member of the McCarthy family and thanked the family for extending her the opportunity to make the following statement.

*"The shocking treatment and tragic death of Peggy McCarthy in 1946 was both movingly and evocatively recounted in the RTE Documentary "In Shame, Love, In Shame" broadcast on Saturday, 18<sup>th</sup> August last. In the Documentary reference was made on a number of occasions to Kerry County Council. Therefore, I believe, it is wholly appropriate, notwithstanding the passage of time, for the Elected Members of Kerry County Council to wholeheartedly express our profound sympathies and apologies to the McCarthy family and to state unequivocally our regret, sadness and sorrow over the failure to protect our most vulnerable citizens.*

*As Cathaoirleach of Kerry County Council in 2018 I would like to think the policies, attitudes and behaviours of the past as re-told in the documentary could not and would not be tolerated in today's modern Ireland.*

*This tragic story from our turbulent past is a timely reminder to all of us of the need to ensure an ongoing public service culture, here in Kerry, and indeed nationally, which serves to prevent discrimination and to protect the human rights of service users. I am confident the Kerry County Council I know today does have at its core a strong public service ethos with an over-arching purpose to promote the wellbeing and quality of life of all our citizens and communities. We must strive every day to deliver on that public service ethos and by so doing honour those like Peggy McCarthy who in a previous era were not treated equally and whose human rights were most shockingly denied.*

*I wish to acknowledge and thank all those involved in the making of this documentary, a documentary which has helped, in no small measure, to unveil the tragic circumstances of the death of Peggy McCarthy to the present generation.*

*I also wish once again on behalf of the elected member of Kerry County Council and no doubt Kerry people everywhere to offer deepest sorrow and sympathy to the McCarthy family.*

*May Peggy McCarthy Rest in Peace."*

Cllr. Kennelly welcomed the heartfelt reply from the Cathaoirleach. He asked that the statement be forwarded to the McCarthy family and circulated to each Member of Kerry County Council.

## **28. College Week for Agricultural Colleges**

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

That Kerry County Council ask the Department of Agriculture to write to relevant authorities to see if it is possible to shorten the college week for Agricultural students in Agricultural colleges.

### **Mr. L. Quinlan stated this is a matter for resolution by the members.**

Cllr. D. McCarthy said a lot of young farmers are in college to get a qualification to go farming. A shorter college week would allow agricultural students to gain additional practical farming experience.

Cllr. J.J. Culloty SECONDED this motion and said this also applies to students who are studying trades and would benefit from the additional time to gain more work experience while studying.

## **29. Local CCTV Schemes**

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

That this Council write to the Minister for Justice to express our frustration and disappointment at the lack of progress on the approval and setting up of local CCTV schemes, the question around GDPR needs to be resolved immediately to the benefit of everyone.

### **Mr. L. Quinlan stated this is a matter for resolution by the members.**

Cllr. D. Quigg said over the past 3 to 4 years €3m was allocated for CCTV in towns and villages with only four applications in the country being approved to date. He said it is his belief that an issue has arisen as to who will hold the data, the Local Authority or the Gardaí. While this issue remains at stalemate assaults, burglaries and littering offences continue to happen. This GDPR issue must be resolved immediately. This delay is causing extreme frustration as communities have been left carrying the financial burden of providing a CCTV system, but such is the will of the community to provide a level of security and protection to the community they have found the will to do this. He acknowledged the help of Kerry County Council on this matter, but it is unfair on the communities affected that this matter is not being addressed.

Cllr. J.J. Culloty SECONDED this motion and said many communities are calling for progress on this matter.

Cathaoirleach N. Foley supported this motion.

### **30. Pier at Cromane**

#### **Pursuant to notice duly given Each Member of the Full Council PROPOSED:**

That we, the elected members, of Kerry County Council to call on the Executive to initiate a process, whereby, all of the necessary agencies shall be invited to a round table discussions, so as to begin a process that would lead to the construction of a new pier and access road at Cromane, it is agreed, that there is a huge need for this project to be advanced, both for to enhance, and protect, the economic growth in this area, and there is also major grounds under Health and Safety that will indeed support the proposal of this project.

#### **The following reply issued:**

The provision of a pier at Cromane was previously progressed by the Department of the Marine, with the support and assistance of Kerry County Council. It was originally estimated to cost between €6.5m and €8m, in 2003.

It is an objective of the Kerry Local Economic & Community Plan 2016 - 2022 to 'Re-examine the feasibility of the development of Cromane Pier and associated infrastructure' (LECP Objective 1.11.5.5).

The Council will invite the relevant agencies to examine how the project can be progressed.

Cllr. M. Cahill said numerous notices of motion have been tabled regarding this pier over many years. There has been a number of deputations and Ministers have visited Cromane regarding this matter. Mussels and oysters are the basis of fishing in Cromane and there is huge potential for the development of water recreation activities. The lack of a pier in Cromane is a restriction to the fishing industry and other potential developments. He said it is time for all agencies to get together and progress this pier. The landowner is prepared to give the access road free of charge.

Cllr. D. Quigg when he first joined Kerry County Council he was approached and asked to meet Castlemaine Harbour Co-Op representatives in relation to the construction of a pier in Cromane. He said he visited the location with MEP Liadh Ní Riada and heard the concerns of local people and what a pier would mean for Cromane, like the South Kerry Greenway. Were this to be delivered it would be a game changer for Kerry and in particular Mid-Kerry. If this project does not go ahead a generation of young people will be lost to immigration. A couple of weeks ago it was announced that oyster licence applications were refused in blanket format which has dealt a severe blow to genuine shell fishing families and has the potential to eradicate a tradition that has existed in Cromane for many years. Notwithstanding this, the pier project could open up new job prospects such as water sports, boat trips etc. He called for a round table discussion with all agencies, Ministers, MEPs, Councillors, stakeholders, etc., to discuss the development of a pier in Cromane and hopefully we will see this project come to fruition in the near future.

Cllr. J.F. Flynn supported this motion and said health and safety is also an issue as without a pier these fishermen are at risk every day without a proper place to land their boats.

### **15.10.18.13 Correspondence – Conferences and Seminars**

- a) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. D. McCarthy, it was agreed to authorise the attendance of Cllr. N. Foley at the Irish Private and Public

Bodies Seminar on “Local Authorities Budgets 2019” to be held in the Silver Tassie Hotel, Letterkenny, Co. Donegal, from 16<sup>th</sup>-18<sup>th</sup> November 2018.

- b) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. D. McCarthy, it was agreed to approve the attendance of Cllr. Kelleher at the IPB AGM held in Dublin on 27<sup>th</sup> April 2018.
- c) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. D. McCarthy, it was agreed to approve the attendance of Cllr. A. Thornton at the 2018 Green Flag Award for Parks held in Celbridge, Co. Kildare on 19<sup>th</sup> July 2018.
- d) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. D. McCarthy, it was agreed to approve the attendance of Cllrs. N. Foley, N. Moriarty, J. Sheahan, G. Spring and A. Thornton at the Gala Dinner in honour of Micheál Ó Muircheartaigh held in Dublin on 22<sup>nd</sup> September 2018.
- e) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. D. McCarthy, it was agreed to approve the attendance of Cllrs. Beasley, Cahill, Connor-Scarteen, Fitzgerald, Flynn, Kennelly, Lucid, Moloney, O'Connell, O'Shea, Purtill, Quigg, Sheahan, Spring and McEllistrim at the "Getting Ireland Brexit Ready" information campaign held in Cork on 5<sup>th</sup> October 2018.
- f) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. D. McCarthy, it was agreed to approve the attendance of Cllrs. Kelleher and O'Connell at the Southern Regional Audit Committee Forum held in Cork on 3<sup>rd</sup> May 2018.

#### 15.10.18.14 Correspondence General

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

Date	From	Description
17-Sep-18	Minister for Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding Rebuilding Ireland Home Loan.
26-Jun-18	Wexford County Council	Resolution adopted by Wexford County Council calling on the Government to establish an independent convention on the future of Local Government.
18-Sep-18	Wexford County Council	Resolution adopted by Wexford County Council calling on the Government to: (a) Enact 'Private Members Dáil Motion of 11 Nov 2016 (b) Postpone the closure of Post Offices
1-Oct-18	Cork County Council	Resolution adopted by Cork County Council's Roads & Transportation SPC expressing their disappointment with the Department's refusal to approve 2nd Round funding for 2018 Local Improvement Schemes.
10-Oct-18	Clare County Council	Resolution adopted by Clare County Council calling on the Minister for Education & Skills to recognise the important role that outdoor educational centres play in the education and development of our youth by funding all staff salaries of outdoor educational centres directly from department funds.



### **15.10.18.15 Any Other Business**

#### **National Tourism Forum**

It was noted that the “Let’s Talk Tourism! National Tourism Forum will be held in Killarney on 9<sup>th</sup> November 2018.

#### **Report on Kerry County Council Lands**

Cllr. J.F. Flynn requested that a report on lands owned by Kerry County Council, and plans for same, be presented to the November Council Meeting.

#### **Tidy Towns**

Cllr. J. Moloney, on behalf of the Listowel Tidy Towns Committee, acknowledged the support of Kerry County Council and the Listowel Municipal District executive, the outdoor staff and all involved. He congratulated all other towns that were successful in the Tidy Towns competition.

The meeting concluded at 3.10 p.m.

**Liam Quinlan**  
**Meetings Administrator**

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**Cathaoirleach of Kerry County Council**