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**MIONTUAIRISCÍ AN CRUINNIÚ DE COMHAIRLE CONTAE CHIARRAÍ
A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN
LUAN, 16 NOLLAIG 2019**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,
16 DECEMBER 2019**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

| | | |
|--------------------------------|--------------------------|----------------------------|
| Tom Barry | Robert Beasley | Michael Cahill |
| Patrick Connor-Scarteen | Brendan Cronin | Pa Daly |
| Charlie Farrelly | Jim Finucane | Breandán Fitzgerald |
| Fionnán Fitzgerald | Seamus Fitzgerald | |
| Cathal Foley | Michael Foley | Norma Foley |
| Michael Gleeson | Donal Grady | Jackie Healy-Rae |
| Johnny Healy-Rae | Maura Healy-Rae | Niall Kelleher |
| Michael Kennelly | Sam Locke | Dan McCarthy |
| Jimmy Moloney | Marie Moloney | Norma Moriarty |
| Terry O'Brien | Niall O'Callaghan | Mikey Sheehy |

APOLOGIES/LEATH SCÉAL

Bobby O'Connell

IN ATTENDANCE/I LÁTHAIR

| | |
|----------------------------------------------|--------------------------------------------------------------|
| Ms. M. Murrell, Chief Executive | Mr. C. O'Sullivan, Dir. of Rds, Transp'n & Marine |
| Mr. J. Breen, Director Water Services | Mr. M. O'Donoghue, Director Housing |
| Mr. M. Scannell, Dir. Job Cr/Sust. ED | Mr. C. O'Connor, Director Corp. Servs. |
| Ms. A. McAllen, Head of Finance | Ms. J. McCarthy, Meetings Administrator |
| Ms. D. Griffin, SO Corporate | Ms. O. O'Shea, CO Corporate Support |
| Mr. P. Corkery, SEO Finance | Mr. G. O'Brien, A/SEO Environment |
| Mr. J. Griffin, Tourism Officer | Mr. D. Ginty, A/Senior Planner |

The meeting commenced at 11.00 a.m.

Cllr. Cllr. Niall Kelleher, Cathaoirleach, took the Chair.

Cathaoirleach Niall Kelleher welcomed Elected Members, officials from Kerry County Council and the press to Rathmore. He said it is an honour for him that the December meeting is being held in Rathmore. He thanked the Rathmore Social Action Group for hosting the meeting at Teach Íosagáin and for their help with the arrangements for the meeting. The Cathaoirleach welcomed the pupils and staff from Scoil Phobail Sliabh Luachra.

Vote of Sympathy

A vote of sympathy was extended to Mr. Martin O'Donoghue, Director of Service, on the passing of his mother, Mrs. Margaret (Peig) O'Donoghue. May she rest in peace.

All Elected Members and management wished to be associated with this vote of sympathy.

Vote of Congratulations

Cllr. Donal Grady extended a vote of congratulations to the Killarney Legion football team on winning the O'Donoghue Cup.

Cllr. Pa Daly extended a vote of congratulations to the Austin Stacks football team on winning the County Senior Football League Division One Final.

Cllr. Pa Daly extended a vote of congratulations to Na nGaeil football team on winning the Munster Junior Football Championship Final.

16.12.19.01 Cathaoirleach's Report on CPG meeting held on 10 Dec 2019

The Cathaoirleach's report on the CPG meeting held on 10 December 2019, which had been circulated, was noted by the Members.

16.12.19.02 Confirmation of Minutes

On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Seamus Fitzgerald, it was resolved that the minutes of the November Ordinary Meeting of Kerry County Council held on 11 November 2019 be confirmed.

16.12.19.03 Chief Executive's Report to Council

The Chief Executive's report for the month of November 2019, which had been circulated, was noted by the Members.

Cllr. Donal Grady welcomed the update on the commencement of works on the construction of the Macroom Bypass and the allocation of additional funding for DPG Grants/Extensions for the Council's own stock for 2019. He asked for an update on the provision of an Affordable Housing Scheme.

Cllr. Breandán Fitzgerald welcomed the allocation of additional funding for DPG Grants/Extensions and said Kerry County Council must ensure that all grant application forms are available in Irish and noted that the DPG Grants/Extensions forms will be available in Irish from January 2020.

Cllr. Michael Cahill welcomed the increased funding for DPG Grants/Extensions, the purchase of 5 no. beach wheelchairs and the imminent commencement of works on the Macroom Bypass. He said the Kerry Play Policy should include the provision of a grant for the acquisition of sites for playgrounds in areas where Kerry County Council does not own lands.

Cllr. Norma Foley said while she welcomed the increased funding for DPG Grants/Extensions, the full allocation should be provided at the start of the year. She welcomed the signing of the Climate Action Charter and progress made on the Greenways and asked for details of the timeframe for the works on the Greenways. The joint project with Gwynedd County Council and Bangor University, Wales for a 3-year natural heritage tourism programme for both West Iveragh and Llyn Peninsula is very important. She welcomed the improved accessibility the beach wheelchairs will provide for persons with disabilities and asked if it is planned to provide beach wheelchairs at other beaches. She asked if all toilets at beaches are wheelchair accessible and that the opening hours for toilets would be extended. She welcomed the designation of Cahersiveen Library as an Age Friendly Library and said this should be rolled out across all library services. She congratulated the Pride of Place

2019 nominees Kerry Camino, Welcome Kenmare Group and Knockalougha Rambling House, Knocknagoshel.

Cllr. Sam Locke said the additional funding for DPG Grants/Extensions is welcome and it is important that these works are progressed. He also welcomed the signing of the Climate Action Charter.

Cllr. Marie Moloney welcomed the funding for DPG Grants/Extensions and said she would like to see the introduction of an Affordable Housing Scheme in Kerry. She also welcomed progress regarding the construction of the Macroom Bypass. She congratulated all involved in the Tureencahill age friendly project which received a Recognition Award at the national Age Friendly Awards. She also welcomed the updates on LEADER funding and the Healthy Kerry Plan.

Cllr. Jim Finucane said the lack of availability of affordable sites for first time buyers is a gap in the provision of housing. He said over Christmas, when many emigrants will return to the county, companies should host walk-in interviews. He said he has been advocating for a flight from Farranfore to Schiphol and it is disappointing that the flight has been introduced from Cork to Schiphol. He suggested that this flight could be initiated in Kerry with a stop off in Cork and consideration could be given to having a coach service from Kerry to Cork to connect with the Cork to Schiphol flight. He called for a meeting between Kerry Airport and Kerry County Council to focus on key viable routes. There must also be a focus on developing better links between Frankfurt Hahn and Frankfurt airport.

Cllr. Maura Healy-Rae welcomed the additional funding for DPG Grants and asked that applications for housing extensions would be progressed. She welcomed the commencement of construction on six units at Armagh House, Killarney and progress on the Macroom Bypass development. She commended the Local Co-ordination Team for the reports provided during severe weather events and the local area crews that assist people. She welcomed the approval of Local Enterprise Office grants and asked that these grants would be more widely advertised. She congratulated the Tureencahill group on their Recognition Award. She commended the work done on refurbishing the Killarney Cultural Centre.

Cllr. Jackie Healy-Rae welcomed the additional funding for DPG Grants and housing. He asked that works on DPG grants in Kerry County Council stock would be carried out expediently. He referred to vacant properties across the county and said a scheme must be introduced to bring these properties into use as housing stock. He welcomed progress on the construction of the Macroom Bypass. He commended the work done during the recent severe weather event. He congratulated the Tureencahill group and the Knockalougha Rambling House, Knocknagoshel.

Cllr. Fionnán Fitzgerald welcomed increased funding for the housing directorate and the agreement with Foras na Gaeilge to develop a language plan, in association with the local Coiste Comhairleach, for the development of Cahersiveen as a Gaeltacht Service Town. He welcomed the progress on the greenways in the county. He asked that focus remain on hedgecutting and he commended the work done during the recent severe weather. He welcomed the linkage with Wales University on the development of a natural heritage tourism programme. He welcomed the partnership with KerrySciTech to develop an economic marketing strategy for County Kerry. He

congratulated the Tureencahill group and the Knockalougha Rambling House, Knocknagoshel.

Cllr. Mike Kennelly welcomed the increased funding allocation for housing. He expressed concern that letters continue to be issued to all Elected Members and Oireachtas Members when a social house has been allocated and asked for an update on this matter in relation to GDPR. He referred to the recent severe weather event and said the biggest fear people have is in relation to overhanging trees which could cause accidents and the Local Authority must act immediately to make these trees safe. He welcomed funding received under the Outdoor Recreation Infrastructure Scheme 2019.

Cllr. Seamus Fitzgerald welcomed the opening of the Dingle Relief Road and the 5th phase of the Inner Relief Road. He said 14 turnkey houses were provided in Dingle last year and Approved Housing Body houses are being provided this year and he hopes these social housing initiatives will continue.

Cllr. Michael Gleeson welcomed the opening of the Cultural Centre in Killarney and the signing of the Climate Action Charter. He said cycling is a big attraction in this county and we must make sure our roads are safe for cyclists. New bypasses must be made safe for cyclists.

Cllr. Charlie Farrelly welcomed the additional funding for housing and LEADER funding. He asked for an update on the appointment of Enforcement Officers for the Municipal Districts.

Cllr. Robert Beasley welcomed the additional funding for housing and he asked that works in social houses would be progressed as a priority. He said he hopes works will commence on the Rathscannell road early in the New Year. He expressed concern that the road maintenance budget for Listowel Municipal District was expended by late October and called for extra funding for that budget.

Cllr. Pa Daly welcomed the additional funding for DPG grants and said on receiving grant approval people find it difficult to get a private contractor to do the work. We need more Kerry County Council staff to do this work and more funding should be allocated to repair windows and doors of our housing stock. He welcomed the commencement of construction on the Tralee to Fenit and Listowel to Limerick County Bounds greenways. He asked for an update on the River Walkway in Tralee. He asked for clarification on the need for Elected Members to move to a kerrycoco.ie e-mail domain. He referred to the recently published report from Transparency Ireland and asked if steps will be taken to address issues raised in that report.

Cllr. Tom Barry welcomed the additional funding for DPG grants and said it would be of benefit to get the full allocation at the start of the year and an allocation that would meet the needs for the whole year. He also welcomed the funding received under the Outdoor Recreation Infrastructure Scheme 2019. He commended the work done under the Severe Weather Response Plan.

Cllr. Jimmy Moloney said this is the second year that road maintenance funding for Listowel Municipal District has been expended before the end of the year. He said a survey of local roads is required to determine the condition of the roads. He complimented the work done by Council management and staff on progressing the

greenways. He asked for an up date on the timeframe for delivery of the greenways. He asked for an update on the Listowel to Tralee section of the greenway. He welcomed the purchase of five beach wheelchairs which will improve accessibility to beaches.

Cllr. Johnny Healy-Rae welcomed the additional funding for DPG grants and said it would be better to get the full allocation earlier in the year. He welcomed the opening of the Dingle Relief Road and asked for an update on the second half of the Inner Relief Road in Kenmare. He said drainage works are required to address the water on local tertiary and national roads. Preventative maintenance is what should be done. He supported the call for a survey to determine the condition of the county's local roads.

Cllr. Patrick Connor-Scarteen welcomed the signing of the Climate Action Charter and the additional funding for DPG grants. He said the delay in securing private contractors to do the works must be addressed. He welcomed the construction of 14 houses in Kenmare and asked for an update on the expected completion date. He welcomed the signing of the contract for the construction of the Macroom Bypass. He welcomed funding secured for the Kerry Dark Sky Reserve and the update on Local Enterprise Office grants. He welcomed the funding for LEADER which will contribute to many communities. He said the viability of routes from the south of France and northern Italy to Kerry Airport could be examined.

Cllr. Brendan Cronin supported the request for an update on letters being issued to all Elected Members and Oireachtas Members when a social house has been allocated. He said a TD has no power in the allocation of social housing and no power in relation to the Roads Programme of Kerry County Council. He welcomed the increased allocation for DPG grants. He acknowledged the role of the Approved Housing Bodies in the provision of social housing in the county. He asked for an update on the appointment of a consultant in relation to Listry Bridge. He asked that CCTV cameras be put back in place to address illegal dumping. He referred to the recently published report from Transparency Ireland and asked management to comment on the issues raised in that report.

Cllr. Michael Foley welcomed the increased funding for housing and DPG grants. He referred to the cost of €2,500 per day for the roads durapatcher and asked what length of road this covers per day. He asked for a report on the draft Wind Energy Development Guidelines that have been published.

Cllr. Norma Moriarty welcomed the increased funding for housing grants and the agreement with Foras na Gaeilge to develop a language plan, in association with the local Coiste Comhairleach, for the development of Cahersiveen as a Gaeltacht Service Town. This project is being embraced by the community. The EU Life project has long term potential in terms of sustainable tourism. She welcomed the Outdoor Recreation Infrastructure Scheme funding and said this if layering on service capacity year on year. She welcomed the move towards a co-ordinated economic marketing strategy for County Kerry with KerrySciTech.

Cllr. Niall O'Callaghan asked for an update on Kilcummin Sewerage Scheme. He expressed concern that Abbeyfeale will become the next bottleneck town in terms of traffic when the Adare Bypass has been constructed. He said with thousands of children living in homeless accommodation there should be a vote of no confidence

in the current Minister for Housing. He said Killarney Municipal District needs more staff on the ground.

Cllr. Terry O'Brien welcomed the commencement of construction of houses in Ardfert, adding that more housing is required in Tralee. He welcomed the additional funding for DPG grants and said the length of time it is taking for works to be carried out must be addressed. He asked for an update on the provision of an Affordable Housing Scheme for the county. He welcomed the progress regarding the greenways and said Kerry needs this type of tourism, which must be well marketed.

Cllr. Mikey Sheehy welcomed the additional funding for housing. In relation to the greenways, he said while difficult decisions were made in the Council Chamber, the long term gains will be of benefit to the county. He asked for a timeframe for delivery of the greenways and if there is a plan in place for the maintenance of the greenways when they are open. He congratulated Tralee on receiving a Destination Town grant which will have a beneficial impact on the town centre and environs.

Cathaoirleach Niall Kelleher congratulated all groups involved in the Pride of Place Competition 2019. He welcomed the commencement of works on site in Rathmore for a 20 house development. He asked for an update on the allocation of units at Oakwood, Killarney.

The Chief Executive said last year an assessment was done on two sites under the criteria for the Affordable Housing Scheme and in both cases the scheme did not pass the affordability test. In 2020 other sites will be assessed under the Affordable Housing Scheme. She welcomed the increased allocation for the DPG grants and said provision had been made in the 2019 budget to meet the own resource requirement for this increased allocation. In relation to the delivery of the greenways, it is expected they will be ready by Summer 2021. There has been engagement with Limerick County Council regarding the marketing of Listowel Greenway. The Listowel to Tralee link is going to design stage, it is a condition of the grant to finalise the Part 8 design and planning in 2020. With regard to public conveniences and accessibility, an application was made, which was unsuccessful, for an upgrade to all public conveniences. A further application for funding will be made for these upgrade works. She welcomed the announcement of the Cork-Schiphol Amsterdam flights and said flights into Shannon and Cork which create links to the Kerry-Cork-Shannon hub are very important and of benefit to businesses in County Kerry. A presentation to the Elected Members from Kerry Airport will be listed on the CPG agenda. In relation to Local Enterprise Office grants she said while they are very strongly advertised and there is great engagement with businesses, it can be reviewed. A lot of work has been done over the last two years to develop a language plan for the development of Cahersiveen as a Gaeltacht Service Town and she undertook to revert with further updates. A GDPR workshop is planned for 2020 on a protocol agreed between AILG and CCMA that looks at how business can be conducted by the Elected Members and aligning it to the needs and requirements of GDPR. This protocol will change how notifications are made regarding housing allocations and many other processes. She said she would not comment on the recruitment of staff save to say that it is done properly and with agreement of unions. In relation to the Kerry County Council e-mail domain, this is because of I.T. cyber security requirements which is one of the biggest risks to any organisation. She said the funding of the greenways is a mix of a number of funding streams. In relation to the Transparency International Ireland report, having reviewed it, the Chief Executive

said she is satisfied that any of the statutory requirements of Kerry County Council have been complied with. A report on the NOAC Performance Indicators will be presented to Elected Members in January. NOAC oversees governance in Local Authorities and their report had a very high satisfaction rating regarding governance of Kerry County Council. A statutory report of the Local Government Auditor, which reviews reporting requirements of the Local Authority, will also be presented. A meeting was recently held with the Internal Audit Committee at which assurances were received regarding the workings of governance within the organisation. In relation to the Dingle and Kenmare Relief Roads, applications are being made for design funds. A lot of work has been done recently regarding drainage works, with a spend of €1m this year. There has been a focus on these works over the last 2-3 years and budgets increased significantly in relation to these works. In relation to the housing programme, Kerry County Council has a huge building programme up to 2021. Kerry County Council partnered with the Approved Housing Bodies to ensure the programme is maximised and the public sector is the only sector that is building houses. This partnership was essential to the delivery of the housing programme. The use of CCTV cameras to address illegal dumping will be reviewed in light of GDPR requirements. Concerns regarding the creation of a traffic bottleneck in Abbeyfeale after construction of the Adare Bypass are being discussed with Limerick County Council. She welcomed the announcement of €500,000 Destination Town funding for Tralee and acknowledged the many investments in the county including the gateway projects for Kerry and the Visitor Experience Development Plans which will benefit tourism across the county.

Mr. C. O'Sullivan, Director of Service, said the final report on Listry Bridge is awaited from the consultants. 15 months ago the Appraisal Report was submitted and in March 2019 the Department requested specific information. The Department of Finance now require a detailed capital appraisal plan and justification for projects. He undertook to revert to Killarney Municipal District with an update.

Mr. J. Breen, Director of Service, said in relation to Kilcummin Sewerage Scheme the CPO documents are being revised with one landowner negotiating at present. It is intended to go to tender on this scheme in January 2020 with works expected to start in May 2020.

16.12.19.04 Disposal of Property

- a) On the PROPOSAL of Cllr. Jim Finucane, **SECONDED** by Cllr. Mikey Sheehy, it was agreed to approve the disposal of a plot of land at Ardrinane, Annascaul to Annascaul Active Community Group by way of a 10 year licence Agreement in accordance with the terms of notice issued 28th November 2019 pursuant to Section 183 of the Local Government Act 2001.
- b) On the PROPOSAL of Cllr. Breandán Fitzgerald, **SECONDED** by Cllr. Michael Gleeson, it was agreed to approve the disposal of land, comprising of 0.088 hectare approximately in total and property located thereon, in the townland of Killiney in the District Electoral Division of Castlegregory and part of Folio 7200F to the Representative Church Body of the Church of Ireland House, Church Avenue, Rathmines, Dublin, by title transfer in accordance with the terms of notice issued 2nd December 2019 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Section 206 of the Planning and Development Regulations 2001.

16.12.19.05 Raising of a Loan for Capital Loan & Subsidy Scheme

Ms. A. McAllen, Head of Finance, referred members to her report dated 9 December 2019 on this item, which was circulated, and she briefed them on the report.

On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Donal Grady, it was agreed to approve the raising of a loan for €1million from the Housing Finance Agency for completion of final accounts under the Capital Loan and Subsidy Scheme (Approved Housing Bodies) as previously approved.

16.12.19.06 Appointment of Sectoral Representatives to SPCs

Mr. C. O'Connor, Director of Service, referred members to his report dated 13 December 2019 on this item, which was circulated, and he briefed them on the report.

On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Jim Finucane, it was agreed to approve the appointment of the Sectoral Representatives to the Strategic Policy Committees.

Lunch break

The meeting adjourned for lunch at 1.30 p.m. The meeting resumed at 2.00 p.m.

16.12.19.07 Presentation on Local Economic & Community Plan 2016-2021

Mr. M. Scannell, Director of Service, made a presentation to the Elected Members on the Review of the Kerry Local Economic & Community Plan 2016-2022, which included the following:

- Implementation, review and monitoring
- Support for existing business
- Attracting investment of Kerry
- Marketing of the county
- Regional Enterprise Plan
- Diaspora / Joining the Dots
- Key Stakeholder Group / Regional Skills Forum
- Atlantic Economic Corridor / Digital Strategy
- Rural Regeneration and Urban Regeneration
- Skills Survey
- Tourism Strategy
- Strategic Planning/Co-ordination
- LEADER Programme
- Age Friendly Strategy
- Healthy Ireland / Kerry Recreation Sports Partnership
- Public Participation Network
- Social Inclusion and Community Activation Programme 2018-2022

Mr. J. Griffin, County Tourism Officer, made a presentation to the Elected Members on tourism, which included the following:

- Visitor Numbers and Visitor Revenue 2013-2018
- Kerry Heritage Survey 2019
- Reasons for Growth
- Challenge for Regions

- Wild Atlantic Way
- Sustainable Tourism
- Kerry Greenway Projects
- Blue Flag Beaches
- Promotions and Marketing

Cllr. Michael Gleeson said the weekend visitors to the county was very evident last year during the very fine weather and the weekend visits market must be further promoted. We must ensure that our prime tourism assets are accessible for visitors, e.g. the Old Kenmare Road, the current condition of which is deplorable. There are many historic artefacts across the county which are not accessible due to insurance problems of access to them across farming lands. He welcomed the Age Friendly Strategy and said many facilities, which are not in use during the day, could be used by community groups if insurance issues were resolved. Historic lanes in our towns are a great attraction. The development of the Greenway on the Iveragh Peninsula could see an economic benefit of €15m.

Cllr. Niall O'Callaghan said the 2019 tourism season was trying and the increase on VAT in the hospitality sector was also a factor. The AirBnB sector is also affecting accommodation businesses that pay rates and insurance. Marketing must progress with technology and apps must be of the highest quality so people can plan what they want to do when visiting the county. Kerry must be promoted and the greenways are a key project for the county.

Cllr. Norma Foley said tourism is hugely important to the county and acknowledged the proactive and innovative work of the Tourism Unit of Kerry County Council. She also acknowledge the work of the Economic Unit and said Kerry County Council has long had foresight in this area by planning, investing and innovating. In relation to the reference made to 5G during the Local Economic & Community Plan presentation she moved notice of motion No. 1.

Pursuant to notice duly given Cllr. Norma Foley PROPOSED:

Cognisant of the expert opinion of scientists worldwide regarding the adverse impact of 5G on both human health and the environment that Kerry County Council again call for the establishment of an independent review of all facts relating to 5G prior to its roll out being permitted in Kerry.

The following reply issued:

The term 5G refers to the fifth generation mobile networks. ComReg have a definition of what is 5G on their website: <https://www.comreg.ie/industry/radio-spectrum/about-5g/>.

Following similar, previous Motions in relation to 5G submitted by Cllr's Foley & Barry in September, Kerry County Council wrote to the Minister for Communications in Sept 2019. The Minister's response was circulated to the members:

I refer to your correspondence regarding the passing of a motion on 5G by Kerry County Council. The roll-out of 5G in Ireland is primarily a matter for private mobile network operators, operating on a commercial basis, in a liberalised market. The regulation of these service providers, to the extent permitted by law, is a statutory function of the Commission for Communications Regulation (ComReg) in accordance with the Communications Regulation Act 2002. This role includes the monitoring of compliance by authorised operators with terms and conditions, including with respect to non-ionising radiation levels. ComReg is statutorily independent in the exercise of its functions.

As Minister for Communications, Climate Action and Environment, I have policy responsibility for matters pertaining to public exposure to non-ionising radiation. Irish policy in this area is informed by a substantial volume of internationally recognised scientific research and evidence. This includes the guidelines set down by the International Commission on Non-Ionising Radiation Protection (ICNIRP).

These guidelines provide scientifically-based exposure limits that are applicable to both public and occupational exposure from electromagnetic fields (EMF). ICNIRP guidelines apply up to a frequency of 300 gigahertz (GHz).

In terms of 5G roll-outs – the following stakeholders are involved:

- 1) The **Minister for Communications** is responsible for policy, including for matters pertaining to public exposure to non-ionising radiation. This responsibility covers the electromagnetic fields and frequency bands used by 5G technology.
For more information please see <http://www.dccae.ie/>
- 2) **ComReg** manages Irelands radio spectrum. In managing the radio spectrum, ComReg obliges network operators under a Wireless Telegraphy Licence or a General Authorisation as applicable, to ensure that emissions from their networks do not exceed the public exposure limits established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).
For more information see www.comreg.ie/industry/radio-spectrum/site-viewer/non-ionising-radiation-information/ and www.icnirp.org/
ComReg have issued licenses (for 5G services) to 5 operators in the 3.6GHz frequency range, which was previously used by many wireless Broadband service providers.
- 3) Since May of this year the **Environment Protection Agency (EPA)** is the body with responsibility with regard to informing the general public in this matter. For more information in relation to same please see <http://www.epa.ie/radiation/emf>

It should be noted that save where the rollout requires additional (mast) infrastructure which may require planning permission or a license under Section 254 of the Planning and Development Acts, Kerry County Council is not formally involved in the 5G rollout process.

Cllr. Norma Foley said technology is part of our daily lives; it has enhanced and privileged our lives. Where there is privilege there is responsibility. Concerns have been raised regarding the rollout of 5G and we have an obligation to responsibly look at this matter. An appeal has been made to the EU by over 180 citizens and doctors regarding the danger of 5G and the substantial increase in electromagnetic exposure. It is envisaged there will be one transmitter to every 2-10 houses. We do not have enough information regarding 5G, we must know the facts. It is fair and proper to expect that 5G technology to be subjected to an independent health and safety assessment. The rollout of 5G has not proceeded in many cities and countries. Many Local Authorities across the country have passed similar motions. We cannot say for sure that 5G is without risk to humans and the environment. There is a body of scientific evidence that suggests it is not safe.

Cllr. Brendan Cronin **SECONDED** this motion and moved notice of motion no. 35.

Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

To express my concerns from a health and safety aspect on the roll out of 5G services and the possible risk posed to the public and to request that we in Kerry carry out detailed investigations into any risks to public health before proceeding with 5G services.

The following reply issued:

The term 5G refers to the fifth generation mobile networks. ComReg have a definition of what is 5G on their website: <https://www.comreg.ie/industry/radio-spectrum/about-5g/>.

Following similar, previous Motions in relation to 5G submitted by Cllr's Foley & Barry in September, Kerry County Council wrote to the Minister for Communications in Sept 2019. The Minister's response was circulated to the members:

I refer to your correspondence regarding the passing of a motion on 5G by Kerry County Council. The roll-out of 5G in Ireland is primarily a matter for private mobile network operators, operating on a commercial basis, in a liberalised market. The regulation of these service providers, to the extent permitted by law, is a statutory function of the Commission for Communications Regulation (ComReg) in accordance with the Communications Regulation Act 2002. This role includes the monitoring of compliance by authorised operators with terms and conditions, including with respect to non-ionising radiation levels. ComReg is statutorily independent in the exercise of its functions.

As Minister for Communications, Climate Action and Environment, I have policy responsibility for matters pertaining to public exposure to non-ionising radiation. Irish policy in this area is informed by a substantial volume of internationally recognised scientific research and evidence. This includes the guidelines set down by the International Commission on Non-Ionising Radiation Protection (ICNIRP).

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For more information please see <http://www.dccae.ie/>

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ComReg have issued licenses (for 5G services) to 5 operators in the 3.6GHz frequency range, which was previously used by many wireless Broadband service providers.

- 3) Since May of this year the **Environment Protection Agency (EPA)** is the body with responsibility with regard to informing the general public in this matter. For more information in relation to same please see <http://www.epa.ie/radiation/emf>

It should be noted that save where the rollout requires additional (mast) infrastructure which may require planning permission or a license under Section 254 of the Planning and Development Acts, Kerry County Council is not formally involved in the 5G rollout process.

Cllr. Brendan Cronin complimented the presentations made regarding the Local Economic & Community Plan and tourism and supported the continuing good work. In relation to 5G he said he is deeply concerned that the general public must have awareness of the possible health risks posed. 180 scientists and doctors,

representing 40 countries, have expressed serious concerns. From investigations made by experts it is accepted that 5G will be using higher energy rates requiring ultra high intensity of radiation. In the past 6-8 months there has been increased activity in the construction of masts which are less than 10 metres which do not require planning and, therefore, the general public in those areas may not be aware and do not have an opportunity to ask questions or raise concerns. He called for an independent investigation into 5G technology.

Cllr. Mike Kennelly moved notice of motion no. 42.

Pursuant to notice duly given Cllr. Mike Kennelly PROPOSED:

For Kerry County Council to write to the relevant Government Department asking that we put a hold on the rollout of 5G until there is an independent evaluation of the impact 5G has on humans, wildlife and the environment.

The following reply issued:

The term 5G refers to the fifth generation mobile networks. ComReg have a definition of what is 5G on their website: <https://www.comreg.ie/industry/radio-spectrum/about-5g/>.

Following similar, previous Motions in relation to 5G submitted by Cllr's Foley & Barry in September, Kerry County Council wrote to the Minister for Communications in Sept 2019. The Minister's response was circulated to the members:

I refer to your correspondence regarding the passing of a motion on 5G by Kerry County Council. The roll-out of 5G in Ireland is primarily a matter for private mobile network operators, operating on a commercial basis, in a liberalised market. The regulation of these service providers, to the extent permitted by law, is a statutory function of the Commission for Communications Regulation (ComReg) in accordance with the Communications Regulation Act 2002. This role includes the monitoring of compliance by authorised operators with terms and conditions, including with respect to non-ionising radiation levels. ComReg is statutorily independent in the exercise of its functions.

As Minister for Communications, Climate Action and Environment, I have policy responsibility for matters pertaining to public exposure to non-ionising radiation. Irish policy in this area is informed by a substantial volume of internationally recognised scientific research and evidence. This includes the guidelines set down by the International Commission on Non-Ionising Radiation Protection (ICNIRP).

These guidelines provide scientifically-based exposure limits that are applicable to both public and occupational exposure from electromagnetic fields (EMF). ICNIRP guidelines apply up to a frequency of 300 gigahertz (GHz).

In terms of 5G roll-outs – the following stakeholders are involved:

- 1) The **Minister for Communications** is responsible for policy, including for matters pertaining to public exposure to non-ionising radiation. This responsibility covers the electromagnetic fields and frequency bands used by 5G technology.

For more information please see <http://www.dccae.ie/>

- 2) **ComReg** manages Ireland's radio spectrum. In managing the radio spectrum, ComReg obliges network operators under a Wireless Telegraphy Licence or a General Authorisation as applicable, to ensure that emissions from their networks do not exceed the public exposure limits established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

For more information see www.comreg.ie/industry/radio-spectrum/site-viewer/non-ionising-radiation-information/ and www.icnirp.org/

ComReg have issued licenses (for 5G services) to 5 operators in the 3.6GHz frequency range, which was previously used by many wireless Broadband service providers.

- 3) Since May of this year the **Environment Protection Agency** (EPA) is the body with responsibility with regard to informing the general public in this matter. For more information in relation to same please see <http://www.epa.ie/radiation/emf>

It should be noted that save where the rollout requires additional (mast) infrastructure which may require planning permission or a license under Section 254 of the Planning and Development Acts, Kerry County Council is not formally involved in the 5G rollout process.

Cllr. Mike Kennelly asked that a letter issue to the relevant Government Departments requesting an independent evaluation of 5G technology. There are arguments for and against 5G, but no facts are available on this technology, and we must ensure this technology does not impact the health of people. It is a high frequency wave band which means thousands of antennae are required to make it work effectively. This is exposing us to electromagnetic waves everywhere. It is faster technology, but at what cost? Scientists have expressed concern regarding this technology. He called for a moratorium on the roll out of 5G technology. We have a moral responsibility to protect our people. An independent review and report is required.

Cllr. Cathal Foley opposed these notices of motion. He said young people are using and want modern technology. Kerry is peripheral and behind in technology. This technology would improve medical and many other areas. The Irish Cancer Society say that older phones and masts do not cause cancers. The World Health Organisation say something very similar. Most of the radiation from this technology is from putting the phone to your ear. The scare mongering regarding this technology is unacceptable and people should check the facts. Limits are set for such technology. There is no danger from this modern technology and a message should not be issued that the civic leaders are against modern technology.

Cllr. Michael Foley said while he cannot say if 5G technology is safe or dangerous, the full planning process should apply to the erection of masts for this technology in order that people are aware they are being erected and have an opportunity to object to them.

Cllr. Pa Daly seconded the opposition of Cllr. Cathal Foley to these notices of motion. He said the biggest issue is that it is a matter for private mobile operators with no state involvement. A mobile phone is a transmitter. There is electromagnetic radiation but it is less than electricity radiation. There will be a minimal increase in radiation over 4G technology. He said he does not see a reason to conduct an investigation into 5G technology.

Cllr. Norma Foley said it is said we are all on our mobile phones and exposed to radiation, however, people can choose to put down their phones. People cannot choose to walk away from the effect of these masts. It is not about being against technology, it is about having the facts about 5G technology, determined by way of an independent investigation.

Cllr. Terry O'Brien asked when it is likely that a moratorium will be put in place and for how long, given that it could take up to eight years to get a proper assessment done.

Cllr. Johnny Healy-Rae said a vote by Kerry County Council for a moratorium will have not standing.

Cllr. Niall O'Callaghan asked who is going to pay for the independent review. Kerry County Council has no control over this matter.

The Chief Executive said her understanding is that motion would be calling on the Minister for Communications to undertake an independent assessment.

Cllr. Cathal Foley said ComReg licence 3G and 4G and there are strong limits they have to abide by. Kerry County Council has no role in this.

Cllr. Maura Healy-Rae asked if 5G technology can be rolled out on the infrastructure that is currently in place.

Mr. M. Scannell, Director of Service, said 5G enabled equipment can be put on existing masts but there is a need for additional antennae which does not require planning.

Ms. J. McCarthy, Meetings Administrator, a vote would now be taken on Cllr. Norma Foley's proposal which was seconded by Cllr. Brendan Cronin as follows:

"Cognisant of the expert opinion of scientists worldwide regarding the adverse impact of 5G on both human health and the environment, that Kerry County Council again call on the Minister for Communications, Climate Action and Environment, the Minister for Health and ComReg for the establishment of an independent review of all facts relating to 5G prior to its roll out being permitted in Kerry."

The vote resulted as follows:

For: Cllrs. Michael Cahill, Patrick Connor-Scarteen, Brendan Cronin, Charlie Farrelly, Jim Finucane, Breandán Fitzgerald, Fionnán Fitzgerald, Michael Foley, Norma Foley, Michael Gleeson, Donal Grady, Jackie Healy-Rae, Johnny Healy-Rae, Maura Healy-Rae, Mike Kennelly, Sam Locke, Dan McCarthy, Jimmy Moloney, Marie Moloney, Mikey Sheehy, Cathaoirleach Niall Kelleher **(21)**

Against: Cllrs. Pa Daly, Cathal Foley, Terry O'Brien **(3)**

Not Voting: Cllr. Seamus Fitzgerald, Norma Moriarty, Niall O'Callaghan **(3)**

Absent: Cllrs. Tom Barry, Robert Beasley, John Francis Flynn, Bobby O'Connell, Michael O'Shea, Aoife Thornton **(6)**

Cathaoirleach Niall Kelleher declared the proposal CARRIED.

Cllr. Jackie Healy-Rae said he could not accept that it is sufficient that routes are coming into Cork and Shannon airports. As many routes as possible should be brought into Kerry Airport to provide easier and more convenient access to the county by air. He moved notice of motion no. 22.

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

That Kerry County Council would develop a mobile application for the purposes of promoting tourism and activities in our County.

The following reply issued:

Kerry County Council's Tourism Unit are planning a new dedicated Kerry Tourism Website. It will be "Mobile First" aimed at visitors researching and planning their holiday and as a resource for those already visiting the County. It will have an integrated events and activities calendar and all the main social media platforms. It is anticipated that it will be operational by Easter 2020.

In addition, the Council has piloted an Atlantic Discovery mobile application for Community driven Tourism development in North Kerry. The app is available to download from the Google Play store and will shortly be published to Apple's App Store. This work was funded by the Department of Rural & Community Developments Digital Innovation Programme and launched by Minister Griffin recently.

We intend to use this pilot to explore how such Apps can be used more widely by different Community & Tourism stakeholders. Improved Digital Tourism Information will be a key objective of the forthcoming Digital Strategy given the importance of Tourism in Kerry.

Cllr. Jackie Healy-Rae said people want to be able to open an app with immediate access to activities available in an area, with photos and video footage included. While there are many websites, it could all be tied into one platform. With the forthcoming Ryder Cup to Adare, marketing of County Kerry as a destination must start now with a modern app as one platform for all tourism information.

The Chief Executive said she is a Director on the Kerry Airport board and it is imperative and a given that we support Kerry Airport. It is also very important that Cork and Shannon airports grow. While it would be very welcome to have a route from Amsterdam to Kerry, the fact that it is coming into Cork means it brings accessibility to this region. The amount of tourism that is linked to flights coming into Shannon is very high. Kerry is a huge benefactor to flights into those airports. The airports in the region must work closely together for the region to survive and grow with a more cohesive approach.

Cllr. Mikey Sheehy said there is huge potential in the county for tourism over the next few years and we must get as much investment as possible and sell the county as a whole. He moved notice of motion no. 41.

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

To ask this Council to write to the Minister for Finance, Public Expenditure and Reform requesting:

- 1) An independent Economic Analysis of County Kerry be undertaken separately from County Cork in the NUTS3 Region, to identify the GDP per head of population for Kerry.
- 2) Subject to the findings of the Economic Analysis, the Minister request the European Commission to re-examine the classification of Kerry separately from and independent of Cork in the context of the distribution of EU Structural funds.
- 3) Notwithstanding items 1 and 2, that the Minister confirms how "positive discrimination" towards the "In Transition" Northern and other Western counties will impact on funding being provided to County Kerry and how does the Minister propose to address the funding levels currently being attributed to County Kerry to counter the disparity in income levels.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Mikey Sheehy said there are three classifications in the EU with Cork/Kerry in this region. Being coupled with Cork will impact on Kerry given the difference in GDP for both counties. Cork can withstand whatever funding is available but Kerry should be reclassified with more funding options made available to this county.

Cllr. Pa Daly **SECONDED** this motion and said where Kerry performs best is where it stands alone. He asked for clarification on the funding provided for the Denny site and if this was to fund the clearing of the site.

Mr. M. Scannell, Director of Service, said this funding is to develop the public realm and the space within the site.

Cllr. Jim Finucane said by controlling our own funding and not being dependent on other agencies we can achieve a lot more. Although we are the premier tourism county in the country, there are challenges in the tourism sector. People want an authentic experience when they travel. We need a major tourism marketing project. The National Park is a huge asset but the impact it makes on tourism is negligible. Coillte could have eco-friendly log cabins within the park so visitors could experience the environment. The issue for a lot of small-medium businesses is insurance. Unless the issue of claims is dealt with fairly and efficiently this will not be resolved. The greater access we have via Kerry Airport the better and we must push for as much direct access as possible. He suggested the Cork-Amsterdam flight could initiate in Kerry and stop off in Cork.

Cllr. Sam Locke commended the presentations which reflect the great work that is being done. He said there are vast improvements taking place at Kerry Airport and a lot more investment being done which will enhance tourism. He said Kerry's angling industry should be included in the promotion of the county.

Cllr. Seamus Fitzgerald welcomed the presentations and said it is important to continue to attract tourists to the county and access through our airport is vital in this regard. People staying in the county for longer visits is very important and it is a big challenge to address. Walking and cycling amenities must be developed. The tourism season is getting longer and we must do more. The issue of insurance for landowners must also be dealt with so more walkways can be made accessible.

Cllr. Patrick Connor-Scarteen welcomed the Killorglin and Sneem Digital Hubs. In relation to the diaspora, the Elected Members have great connections which must be used. He welcomed the work done under the Town and Village Renewal Scheme and said the scheme should be expanded to assist the re-use of derelict buildings. The PPN map of defibrillators should be made available to all charities and events.

Cllr. Marie Moloney welcomed the presentations and said access to Kerry is a must for tourism. Funding must continue for festivals and events as they are very important to the tourism sector. Most of the funding raised locally is to meet insurance costs for the festival/event. She said she is calling on IPB insurance to securing insurance for these festivals/events at cheaper rates and she moved notice of motion no. 33.

Pursuant to notice duly given Cllr. Marie Moloney PROPOSED:

As the cost of public liability is seriously impacting upon the operations and threatening the viability of not-for-profit organisations and community activities, that Kerry County Council's membership of IPB Insurance should be used to secure

public liability insurance is offered by that company to the not-for-profit organisations and community groups at the cheapest rates that are consistent with financial prudence and the avoidance of loss.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Brendan Cronin **SECONDED** this motion and said it is an opportunity to give a lifeline to voluntary organisations which are doing great work in communities.

Cllr. Charlie Farrelly said organisations that are registered with the PPN automatically get a 50% reduction on their insurance via an insurance provider based in Dublin.

Cathaoirleach Niall Kelleher said the biggest difficulty for event organisers is securing insurance. He thanked IPB Insurances for providing insurance for the Christmas in Killarney event.

Cllr. Johnny Healy-Rae welcomed the presentations and said while a lot of work has been done in the area of tourism, there remains a lot to be done in this area.

Cllr. Norma Moriarty welcomed the presentations and said focus must remain on the targets set for tourism, particularly that of attracting tourists out of Dublin and a better dispersal of bed nights around County Kerry.

16.12.19.08 Report on Kerry Education and Training Board

It was agreed to note Cllr. Niall O'Callaghan's written report on the operations and activities of the Kerry Education and Training Board which was circulated.

16.12.19.09 Approval for the Opening of Tenders

- a) On the PROPOSAL of Cllr. Johnny Healy-Rae, **SECONDED** by Cllr. Marie Moloney, it was agreed to approve the opening of tenders for Inclusive/Disability Friendly Equipment for Killarney and Listowel Playgrounds – Closing Date: 15 November 2019 at 4.00 p.m.
- b) On the PROPOSAL of Cllr. Michael Cahill, **SECONDED** by Cllr. Brendan Cronin, it was agreed to approve the opening of tenders for Construction of a Single Rural Dwelling House (SRD) including all associated siteworks at Cullenagh Upper, Beaufort – Closing Date: 12 December 2019 at 3.00 p.m.
- c) On the PROPOSAL of Cllr. Sam Locke, **SECONDED** by Cllr. Brendan Cronin, it was agreed to approve the opening of tenders for Replacement of Gym Equipment at Killarney Sports & Leisure Centre – Closing Date: 19 December 2019 at 11.00 a.m.
- d) On the PROPOSAL of Cllr. Jim Finucane, **SECONDED** by Cllr. Patrick Connor-Scarteen, it was agreed to approve the opening of tenders for Mitchel's Crescent/Boherbue Regeneration - Environmental Works at Hawley Park Tralee – Closing Date: 6 January 2020 at 12.00 noon.
- e) On the PROPOSAL of Cllr. Jackie Healy-Rae, **SECONDED** by Cllr. Mikey Sheehy, it was agreed to approve the opening of tenders for Management of Turbidity – Closing Date: 10 January 2020 at 4.00 p.m.
- f) On the PROPOSAL of Cllr. Jackie Healy-Rae, **SECONDED** by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Construction of

Public Toilet Facility and all associated siteworks at Ardfert – Closing Date: 14 January 2020 at 3.00 p.m.

- g) On the PROPOSAL of Cllr. Johnny Healy-Rae, SECONDED by Cllr. Niall O’Callaghan, it was agreed to approve the opening of tenders for Main Construction Contract for N69 Listowel Bypass – Closing Date: 27 February 2020 at 4.00 p.m.
- h) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Dan McCarthy, it was agreed to approve the opening of tenders for Maintenance of Floating Breakwater in Knightstown, Co. Kerry – Closing Date: 16 January 2020 at 4.00 p.m.

Emergency Motion

Cllr. Niall Kelleher PROPOSED:

That Kerry County Council make a submission on the Draft Wind Energy Development Guidelines in line with previous notices of motion passed by Full Council.

Cllr. Michael Foley SECONDED this motion.

Mr. M. Scannell, Director of Service, said it is proposed to bring a report to the January Full Council meeting and then make a submission on behalf of Kerry County Council on the Draft Wind Energy Development Guidelines.

16.12.19.10 Notices of Motion

2. Vacant Housing Stock

Cathaoirleach Niall Kelleher moved Notice of Motion No. 2 on behalf of Cllr. Flynn.

Pursuant to notice duly given Cllr. John Francis Flynn PROPOSED:

That Kerry County Council provide a list of all Council owned properties that have been vacant for 2 years or more. I am looking for the addresses of each property, the reason for each property being vacant for such a length of time and the plans going forward for each of those properties.

The following reply issued:

There are 29 houses currently vacant for 2 years or more.

The breakdown of these unit types is as follows:

| | |
|------------------------------------------------------------------------|---|
| Fire Damaged/ Structural Issue awaiting Insurance resolution | 4 |
| Legal Issue (title/ boundaries) | 7 |
| Derelict/ Sites (potential disposals) | 6 |
| Allocated but not taken up fully due to medical circumstances | 1 |
| Currently in tender process for significant works | 5 |
| Regeneration property – part of larger project | 1 |
| Currently being occupied after long term work project completed | 1 |
| Repossession cases currently being finalised | 2 |
| Requiring significant works and being assessed for procurement/ tender | 2 |

The Council cannot supply the addresses of these properties given the GDPR consideration arising and additionally the safety and security of Council assets

3. Kerry County Council Tenant Purchase Scheme

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

That Kerry County Council give a detailed report in regard to the number of Local Authority Houses that have been purchased under the current Tenant Purchase Scheme. How many sales have been fully completed? How many applications were made under this Scheme? How many were refused and how many are ongoing and has Kerry County Council received any update from the Minister for Housing, Planning and Local Government, Eoghan Murphy TD in regard to the national review of the 2016 Tenant Purchase Scheme that automatically disqualifies 80% of all Local Authority Tenants in Kerry who wish to purchase their homes.

The following reply issued:

373 valid applications have been received by Kerry County Council under the scheme.

| | | |
|-----------------------------------------------------|-----|----------------------------------------------------------------------------------------------------|
| Sales Completed | 54 | |
| Applications withdrawn or not pursued | 59 | |
| Applications Ineligible | 142 | 73 % of ineligible applications related to household income and failure to meet national criteria. |
| Letters of offer issued awaiting applicant response | 59 | |
| In processing stages | 59 | Various application stages (e.g. valuation, BER certification, legal/ conveyancing processes) |

Cllr. Michael Cahill said 80% of all Local Authority tenants are automatically disqualified from the Tenant Purchase Scheme as they are on some form of social welfare payment. Part V tenants are being discriminated against. The review of the Tenant Purchase Scheme is ongoing for years. The proceeds from the sale of these houses could go towards purchasing/building properties to provide for those on our housing list. He asked that a letter issue to the Minister for Housing requesting an update on the review of the Tenant Purchase Scheme.

Cllr. Fionnán Fitzgerald SECONDED this motion.

Mr. M. O'Donoghue Director of Service, said units provided under Part V, Approved Housing Bodies an all newly constructed units are excluded from the Tenant Purchase Scheme.

4. IMNDA Specialist Nurses

Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:

That this Council calls on the Department of Health/H.S.E. to pay the salaries of the four specialist Nurses employed nationally by the Irish Motor Neuron Disease Association [IMNDA] as their work,

- [a] It is absolutely vital for the people with the degenerative disease,
- [b] They save the State the considerable cost of Hospital/Nursing Home care which would without them be necessary and
- [c] they afford assistance and relief to the immediate relatives/carers.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Michael Gleeson said Motor Neuron is a progressive neurological condition that attacks the neurons [nerves] in the brain and spinal cord. This results in messages not reaching their intended muscles. This causes weakness and wasting of the motor faculties, e.g. loss of speech, lack of ability to eat, drink, breathe and more. The inevitable, and sometimes quite rapid, result is death.

The IMNDA employs four Nurses to travel the country attending to the needs of sufferers from the disease in their own homes. As there are approximately 500 Motor Neuron sufferers in the country it is quite obvious that more nurses are needed. The present four are funded by money raised through voluntary subscriptions from the public. The fourth and most recent nurse has been employed as a result of the money raised by the now deceased Fr. Tony Coote during his 'round Ireland' walk.

These nurses should be paid by the Department as they [1] allow the sufferers to remain in their own homes with their own loved ones, [2] they provide families with the most up to date knowledge and information on patient care, and [3] save the State much money by ensuring that sufferers do not have to be hospitalised.

The Nurse for the Kerry/Cork area is based in Kilkenny and has to cover all the intermediate counties. This is not a very satisfactory situation and should be improved with adequate State financial funding/support.

Cllr. Marie Moloney SECONDED this motion.

5. Community Involvement Scheme

Pursuant to notice duly given Cllr. Charlie Farrelly PROPOSED:

I am asking Kerry County Council what the latest update on the C.I.S. Scheme is (Community Involvement Scheme) and how many applications were received before the closing date in June 2019.

The following reply issued:

Kerry County Council received a total of 40 valid applications under the Community Involvement Scheme before the closing date in June 2019. Details of these applications have been forwarded to the Department of Transport, Tourism and Sport (DTTAS) for consideration for funding under the Community Involvement Scheme for 2020 and 2021. It is anticipated that details of the grant allocation for Community Involvement Schemes will be announced along with the other DTTAS Road Grant Allocations for Regional and Local Roads in early February 2020.

Cllr. Charlie Farrelly welcomed the reply.

7. Local Enterprise Offices

Pursuant to notice duly given Cllr. Jim Finucane PROPOSED:

That this Council calls on the Minister for Business, Enterprise and Innovation to remove the cap on County Enterprise Boards which prevents them from dealing with enterprise that have more than 10 employees and that this motion will be circulated to all Local Authorities in the country.

The following reply issued:

This is a matter for consideration by the Members.

The Local Enterprise Offices are funded under Priority 3; SME Competitiveness of the Southern and Eastern Regional Programme. The ERDF co-financed financial supports targets micro-enterprises in the manufacturing and traded services activities. Enterprise Ireland is the Intermediary Body for this Scheme, which is rolled

out by the Local Enterprise Offices under a Service Level Agreement with Kerry County Council.

The Local Enterprise Offices are presently restricted in terms of direct financial assistance support by the EU definition of businesses to which the ERDF applies. (i.e. microbusinesses which are businesses which employ 10 or less people). The Local Enterprise Office is limited to providing core financial support to businesses employing less than 10 employees.

In October, a new Productivity Challenge Voucher Scheme was launched on a national level on a pilot basis with 200 vouchers worth €2,500 each. This scheme was open to businesses employing up to 50 people and has been promoted by LEO Kerry. 23 applications were forwarded. This was been a short term initiative with limited funding, a narrow call for funding and centralised assessment.

However, the generic cap restricting LEO Kerry from providing financial support to businesses employing greater than 10 people remains although the Productivity Challenge Voucher Scheme could represent a new but limited change in policy supporting those qualifying businesses employing greater than 10 employees.

Cllr. Jim Finucane said there is no coherent argument for the system whereby the Local Enterprise Office is restricted from supporting start-up businesses once they employ greater than 10 people. The Local Enterprise Office should be able to continue the relationship initiated with the business owner through their start up and mentoring. This would build confidence in delivering jobs through our own agency.

Cllr. Patrick Connor-Scarteen SECONDED this motion.

8. R556 Dale Rathscannel Road

Cllr. Mike Kennelly moved Notice of Motion No. 8 on behalf of Cllr. Thornton.

Pursuant to notice duly given Cllr. Aoife Thornton PROPOSED:

That Kerry County Council request a meeting with Minister Shane Ross in relation to the R556 Dale Rathscannel Road as the road is the main artery into North Kerry and has remained closed for many months.

The following reply issued:

This is a matter for consideration by the members.

In securing funding for this scheme in 2019, Kerry County Council prepared a Preliminary Appraisal Report, setting out the funding requirements for its design, land acquisition and construction. A restriction on through traffic was put in place to facilitate site investigation works, required as part of the design of the works, whilst accommodating the travel need of local residents.

Funding has been requested from the Department of Transport, Tourism and Sport to allow for the commencement of construction works in 2020 and these allocations are usually advised in early February. Members will be advised when the grant allocations are received.

9. Use of Biomass Heating in Kerry County Council Buildings

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

That Kerry County Council would investigate the possibility of using bio mass heating in their buildings as a lot of private businesses i.e. hotels and swimming pools etc. are changing for the economic fact that it reduces heating cost by 50%.

The following reply issued:

Kerry County Council have an energy management system in place accredited to ISO50001 standard. As part of this system Kerry County Council continually monitor energy consumption and identify projects to increase the energy performance of our Corporate Buildings. Kerry County Council currently utilise a number of energy efficient technologies including biomass in achieving energy savings throughout our Corporate Facilities. Any upgrade works to Corporate Buildings includes assessing energy efficiency measures to increase the performance of our Corporate Buildings and the feasibility of utilising biomass will also be considered.

A new Building Control regulation came into effect on 1st November last which requires that where major renovations (defined as a renovation where more than 25% of the surface envelope of the building undergoes renovation) are carried on a building, the whole building or dwelling should achieve a cost optimal energy performance insofar as it is technically, functionally and economically feasible. The cost optimal energy performance level for a typical dwelling is equivalent to a B2 BER and the new regulations are designed to significantly increase this performance level.

Cllr. Johnny Healy-Rae asked that consideration be given to the use of biomass.

Cllr. Maura Healy-Rae SECONDED this motion.

10. Kerry Coroner's Office

Pursuant to notice duly given Cllr. Mike Kennelly PROPOSED:

That Kerry County Council review the procedures of operations in relation to the Kerry Coroner's Office to the delay in producing death certificates.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Mike Kennelly said coroners are appointed for particular districts within a Local Authority area. When someone dies unexpectedly or in suspicious circumstances, it is the job of a coroner or medical examiner to investigate the cause of death. These investigations provide the autopsy report and a death certificate, which is required to settle estates, insurance claims, etc. There is concern regarding the length of excruciating time a family has to wait for a death certificate from the coroner's office. In one case, it took 18 months for a death certificate to issue which is totally unacceptable. He asked that Kerry County Council seek a review of procedures within the coroner's office and to expedite the process of issuing death certificates.

Cllr. Michael Foley SECONDED this motion.

The Chief Executive said Kerry County Council has no role or responsibility in reviewing these procedures. A letter will issue to the Department of Justice regarding this matter.

11. Video on Climate Change

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

That Kerry County Council put together a video outlining how climate change could affect Kerry in 2050. Predictions and statistics could be put together by environmental scientists. The video should also outline what households and communities could do to improve the environment.

The following reply issued:

Ireland's first statutory National Adaptation Framework (NAF) was published on the 19th January 2018. The NAF sets out the national strategy to reduce the vulnerability of the country to the negative effects of climate change and to avail of positive impacts. The NAF was developed under the Climate Action and Low Carbon Development Act 2015. The NAF identifies the critical role to be played by Local Authorities in addressing climate change adaptation. In January 2018, the Department of Communications, Climate Action and Environment entered into a five year financial commitment of €10 million to establish four Local Authority Climate Action Regional Offices (CAROs). The offices had a key role in supporting the preparation of local adaptation strategies and driving climate action (adaptation and mitigation) at Local Authority level.

The "Kerry County Council Climate Change Adaptation Strategy 2019-2024", was adopted by Council in September 2019, which set out a range of actions to mitigate for the risks posed by Climate change, particularly in the area of planning policy, flood protection, business continuity and raising awareness. The measures required to deliver on these actions will be developed in consultation with the members through the Environment, Climate Change and Emergency Planning SPC.

The Council will raise the issue of the development of a video, promoting awareness on the impact of climate change, with Climate Action Regional Office.

Cllr. Patrick Connor-Scarteen said we have the talent and expertise within the county to produce a video with a Kerry focus and there may be grant funding available. It would be a video of informed facts, with no scaremongering. It could be broadcast in primary and secondary schools. It would inspire people to take pride in their locality, community and county. This matter could be considered by the Environment SPC.

Cllr. Michael Cahill SECONDED this motion.

12. Rebuilding Ireland Mortgage Scheme

Pursuant to notice duly given Cllr. Pa Daly PROPOSED:

That a detailed report be provided detailing the number of applications to date for the rebuilding Ireland mortgage scheme which will include the number approved, refused, drawn down and the time taken to process.

The following reply issued:

| | |
|---------------------------------------------------------------------------------|-------|
| No. of Applications received | - 192 |
| No of Applications Incomplete/Ineligible | - 45 |
| No. of Loans Refused | - 49 |
| No of loans at assessment stage | - 35 |
| No. of Loans issued with Provisional Approval (not yet progressed by applicant) | - 23 |
| No. of Loans issued with Final Approval | - 20 |
| No. of Loans drawn down | - 20 |

The average length of time from Date of Application to Date of Provisional Approval is approximately 14 weeks. The average length of time between Date of Application and drawdown of the average loan takes approx 2-3 months but is dependent on a number of factors e.g. identification of suitable property by the customer, legal formalities, Mortgage Protection Insurance, House Insurance, Engineers Reports etc.

Cllr. Pa Daly thanked management for the reply. In relation to insurance claims and costs, he said the amount of claims has decreased by 40% but motor insurance claims have increased by 60%.

Cllr. Maura Healy-Rae SECONDED this motion.

**13. Revenue Commissioner Requirements for Small Operators
Pursuant to notice duly given Cllr. Norma Moriarty PROPOSED:**

That we call on the Revenue Commissioners to reverse the code practices introduced last summer that have adversely impacted on small operators in the service and arts sector. We have a situation where artists and the like are having to forego the opportunity to provide classes/training or performances on a one off or short-term basis as the onerousness on corporate set up makes it non-viable to do so. This is leaving budgets for training and skills development in certain areas unspent.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Norma Moriarty said these practices which were brought into force in August 2019 have impaired progress of many programmes.

Cllr. Dan McCarthy SECONDED this motion.

14. Lands for Children's Playgrounds

Cllr. Pa Daly moved Notice of Motion No. 14 on behalf of Cllr. Beasley.

Pursuant to notice duly given Cllr. Robert Beasley PROPOSED:

That Kerry County Council secure land in Ballylongford and Causeway villages to erect a children's playground in their respective areas.

The following reply issued:

Kerry County Council has in association with various communities developed many Playgrounds throughout the County in recent years. Kerry County Council "Ag Spraoi Policy" supports this development of Playgrounds and Kerry County Council continues to work with communities where a demand for playgrounds is identified. The Local Authority has worked with a community group in Ballylongford in an effort to provide a playground in the area. To date, efforts to secure a suitable site have been unsuccessful, but the Council will continue to work with this group to identify a suitable location so that the playground can be advanced. In respect of Causeway and Ballyduff, no approaches have been made to the Local Authority in respect of play facilities at these locations. The council will, however, work with both communities to secure play facilities in both locations and will liaise with community groups in both villages to ascertain the need.

16. Unauthorised Quarries

Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

To ask for the full details and the locations and current status of the 26 unauthorised quarries in Kerry which was referred to in the recent RTE investigation into unauthorised quarries.

The following reply issued:

Authorised quarries must have either a planning permission under Section 34 or a registration under Section 261 of the Planning and Development Acts 2000-2019. It

is also necessary for the quarry to adhere to the conditions specified in the permission or registration. Quarries that do not have either a permission or registration are unauthorised.

A review of all quarries in the County took place in 2011/2012 in order to ascertain compliance with the EIA and AA Directives. Following this review, a limited number of quarries received notices to apply to An Bord Pleanála for Substitute Consent. (A form of retrospective / retention permission).

Where Substitute consent was granted by the Board, it was necessary to apply for permission to continue to operate. It was possible to lodge such an application in tandem with the application for Substitute Consent.

Where a quarry was not granted Substitute Consent or where Substitute Consent was granted and the quarry did not subsequently obtain a grant of permission to continue to operate / extend, the quarry is deemed unauthorised.

In recent years, Kerry County Council has secured court orders for the closure of two unauthorised quarries in the county. In addition, seven warning letters and five enforcement notices have been issued.

Kerry County Council is currently actively pursuing alleged unauthorised activity in respect of seven quarries which do not have permission to continue to operate and which are the subject of ongoing enforcement action, up to and including legal proceedings. These quarries are as follows:

- QY 094 – Gortagullane, Muckcross, Killarney
- QY 134 – Bahags, Caherciveen
- QY 117 – Dereendrislagh, Sneem
- QY 026 – Ownagarry, Killorglin
- QY 035 – Doocarrig Beg, Barraduff
- QY 090 – Banemore, Listowel
- QY 068 – Lackanoneen, Knocknagoshel

One file is the subject of a High Court judicial review regarding a recent An Bord Pleanála decision.

For the purposes of clarity, the figure of 26 cited in the recent broadcast related to the current number of files held by the Planning Enforcement Unit in relation to complaints of alleged quarrying or quarrying activity and does not relate to the number of unauthorised quarries in the county, i.e. some complaints about alleged quarrying might not, on inspection, relate to quarrying activity at all.

Cllr. Brendan Cronin said a lot of work was done by Kerry County Council regarding unauthorised quarries. It was implied in the programme that there are more than 26 unauthorised quarries in the county. He asked for clarification on the last two paragraphs of the reply to the motion and that when information is provided to such queries from the press that it is appropriately clarified.

Cllr. Michael Foley **SECONDED** this motion and moved notice of motion no. 17.

Pursuant to notice duly given Cllr. Michael Foley PROPOSED:

To ask Kerry County Council of the 26 unauthorised quarries in the County, how many are still in operation, how many have received planning enforcement notice and how many has been closed down by the Council.

The following reply issued:

Authorised quarries must have either a planning permission under Section 34 or a registration under Section 261 of the Planning and Development Acts 2000-2019. It is also necessary for the quarry to adhere to the conditions specified in the

permission or registration. Quarries that do not have either a permission or registration are unauthorised.

A review of all quarries in the County took place in 2011/2012 in order to ascertain compliance with the EIA and AA Directives. Following this review, a limited number of quarries received notices to apply to An Bord Pleanála for Substitute Consent. (A form of retrospective / retention permission).

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Cllr. Michael Foley said he was appalled by the RTÉ Investigates programme “Between a Rock and a Hard Place” which was televised on November 26th investigating 151 unauthorised quarries operating in the country and 26 in County Kerry. The programme revealed how some operators can challenge the system of regulation for quarries, blasting without planning permission, and digging into the landscape of rural Ireland causing considerable environmental damage. They can also cost the local authorities, and ultimately the taxpayer, hundreds of thousands of euros in legal fees. Even when challenged by Local Authorities, which can take years to resolve, and while those appeals are ongoing, the quarry operators continue blasting and excavating without planning permission. These operators are flouting the laws because the system is full of loopholes, delays and grey areas, which is putting the public at risk by damaging our environment. RTÉ Investigates also revealed how some of the biggest customers of these unauthorised sites around the country are the very enforcement agencies whose role it is to police Ireland’s quarries. He asked if Kerry County Council has ever been a customer of the 26 unauthorised quarries in the county.

Mr. M. Scannell, Director of Service, said the information provided to RTÉ is as provided in the reply to the notice of motion. It clearly outlines that there are six areas subject to investigation regarding quarrying activity. The detail in this report was also supplied and it was clear that there are not 26 unauthorised quarries in Kerry. The information was reported differently in the RTÉ programme. The quarries outlined in the reply have no permission to operate and are deemed unauthorised. The activity of authorised quarries, e.g. in relation to dirt, dust or operating times, is often queried and each of those queries is investigated and if necessary a warning notice is served if the quarry is not fully compliant with their operating conditions. In some cases a complaint can be received initially as a complaint on quarrying activity but it may relate to some other type of development taking place which is pursued separately. There are seven unauthorised quarries in the county.

Mr. C. O'Sullivan, Director of Service, said Kerry County Council put procedures in place a number of years ago to ensure that supplies are not taken from unauthorised quarries.

18. Mandatory use of Hi-vis Clothing

Pursuant to notice duly given Cllr. Seamus Fitzgerald PROPOSED:

That we the members of Kerry County Council write to the Minister for Transport requesting that it become mandatory for persons walking or cycling on public roads in hours of darkness to wear hi-vis clothing.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Seamus Fitzgerald said the focus on hi-vis clothing is in relation to cyclists; however, legislation should be introduced that it be a requirement for all road users to wear hi-vis clothing when walking or cycling on public roads in hours of darkness.

Cllr. Norma Moriarty SECONDED this motion.

19. Home Renovation Scheme

Pursuant to notice duly given Cllr. Fionnán Fitzgerald PROPOSED:

To call on the relevant authorities to allow for home security systems to be tax deductible. At present the Home Renovation Scheme only operates for expenditure incurred over €4,405.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Fionnán Fitzgerald called for home security systems to be tax deductible in the interests of protecting properties and preventing crime.

Cathaoirleach Niall Kelleher SECONDED this motion.

20. Long Term Renting Incentive Scheme

Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:

That Kerry County Council call on the Minister for Housing to create an incentive scheme to encourage landlords to rent their house/apartment for long term use as opposed to short term use.

Cllr. Breandán Fitzgerald said there are no properties available in Dingle at present for long term renting. We will not be able to meet housing demands within the county without long term renting options. A long term renting scheme must be made more attractive for landlords.

Cllr. Michael Cahill SECONDED this motion.

21. Housing Acquisitions

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

To ask Kerry County Council and the Housing Section to actively seek properties for sale in our smaller towns and villages with a view to constructing smaller schemes of houses either for social housing or affordable housing. A scheme such as this would breathe life back into these areas.

The following reply issued:

Acquisitions have formed a key part of the overall Housing Capital Programme in recent years – it enabled properties to be acquired where value was obtained in the market, enabled the Council deal with specific or exceptional cases and generally add stock in a manner which achieved value for money at local level. As the national programme moves to a greater focus on construction/build delivery and sees larger portions of the available budgets invested there, a reduction in acquisition activity has been occurring. For 2019, the Kerry acquisition target was 28 units with an expected output for 2019 of approximately 50 units.

For 2020, current indications are that available funding for acquisitions nationally will be severely restricted given the expected construction delivery programme and therefore it is not expected that the Council will have an active acquisition programme next year. However acquisition programmes through approved housing bodies will form part of the overall housing strategy.

In relation to the purchase of brown field sites for the construction Programme the focus currently is the utilisation of existing land banks. However where suitable sites do come available they are assessed fully. However smaller sites can be complex and require similar resources to larger developments. Therefore, while our current priority is the development of larger schemes in areas of greatest need, the Council continues to have an open call on all delivery mechanisms for social housing in appropriate locations throughout the county. In this respect, the Council is open to turnkey schemes, repair and lease schemes and site acquisitions throughout the county to be delivered in a targeted manner.

Cllr. Maura Healy-Rae said this is critical for smaller towns and villages, it would regenerate these areas and would provide value for money. It is disappointing to note that for 2020 available funding for acquisitions nationally will be severely restricted.

Cathaoirleach Niall Kelleher SECONDED this motion and said there is a fine example of this type of development on the Main Street in Rathmore. A small scheme could be built in the middle of a town which would be very beneficial to revitalising towns and villages. The Repair and Leasing scheme is not addressing the issue of renewing older properties.

23. Farm Payments

Pursuant to notice duly given Cllr. Dan McCarthy PROPOSED:

That Kerry County Council write to the Department of Agriculture and relevant authorities asking that all queries regarding farm payments be highlighted well in advance of payment.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Dan McCarthy said many people have been left without their farm payments because of some query and the date for payment passes. The Department must review these queries well in advance to ensure payment before Christmas.

Cllr. Fionnán Fitzgerald SECONDED this motion.

24. Transfer of Water Services to Irish Water

Pursuant to notice duly given Cllr. Mikey Sheehy PROPOSED:

Has the transfer of Water Services to Irish Water had a negative impact on the finances of Kerry County Council since its inception in 2013.

The following reply issued:

A Service Level Agreement operates as between Kerry County Council and Irish Water since the establishment of Irish Water in 2013. This agreement sets out the levels of service to customers required by Irish water of the local Authority as their agents and are measured and reviewed throughout the year. The funding for the operation of all aspects of Water Services within the remit of Irish Water is agreed as between Kerry County Council and Irish Water as part of an annual budgeting process and the budget funds are then paid by Irish Water to Kerry County Council. Separately Irish Water invest in capital infrastructure as detailed in the update capital reports provided to the Municipal District Meetings at regular intervals. All spending on Water Services since the establishment of Irish Water in 2013 has been recouped to Kerry County Council.

Any future funding of water services arising from the proposed restructuring of Irish Water will need to reflect the potential financial implications for Kerry County Council.

Cllr. Mikey Sheehy asked when a representative from Irish Water will be available to meet Elected Members.

Cathaoirleach Niall Kelleher said it is expected Irish Water will have a clinic available in County Buildings on the day of the January 2020 full council meeting.

25. Garda Vetting System

Pursuant to notice duly given Cllr. Niall O'Callaghan PROPOSED:

That Kerry County Council write to the relevant Minister to streamline the whole Garda Vetting System so that a person only needs to apply once for a vetting form and it covers that person in all activities. The current system is admin heavy.

The following reply issued:

This is matter for consideration by the members.

A similar request was submitted to the Garda Commissioner in 2016 as a result of a previous notice of motion and for your information a copy of the correspondence received in response to same is set out below.

Your Ref: BR/Mar 16/NoM 28

**Mr. Liam Quinlan
Meeting Administrator
Kerry County Council**

Dear Mr. Quinlan,

I am directed by the Commissioner to refer to yours dated 14th April and to provide the following by way of a response:

The current system relating to Garda Vetting is delivered in a standard format to each organisation seeking Garda Vetting and this methodology is in line with good practice internationally and is employed, inter-alia, for the following reasons;

- As the relevant organisation has the responsibility of validating the identification and personal details in respect of the individual vetting subject before onward transmission of his/her application to the National Vetting Bureau for processing, the risk of false personal details being provided by vetting subjects in Garda vetting applications is minimised.
- As applications are transmitted directly from relevant organisations to the National Vetting Bureau, the risk of applications being fraudulently interfered with by any third party in advance of receipt at the National Vetting Bureau is minimised.
- As the disclosure, if any, is issued directly back from the National Vetting Bureau to the Relevant Organisation, the risk of applications being fraudulently interfered with by any third party in advance of receipt by the Relevant Organisation is minimised.
- As details in relation to prosecutions and/or convictions which may be recorded in respect of any individual are subject to change over time, real-time vetting checks are conducted in respect of each Garda Vetting application received from each relevant organisation and consequently up-to-date Garda Vetting disclosures are issued to each relevant organisation in respect of each vetting application received from them; thus affording the organisation the facility of assessing a vetting disclosure in respect of an applicant for a position in their organisation which is the most up-to-date available at the time of their decision making process in respect of the suitability of the said applicant for a position within it.
- Each relevant organisation develops its own policy in relation to the assessment of disclosures received from National Vetting Bureau. Policies can vary between different organisations and in that regard, what is acceptable to one organisation may not be acceptable to another. The National Vetting Bureau has no input into this decision making policy.

An eVetting system was launched on 29th April 2016 which will facilitate the processing of applications in an e-format, thus removing the current time-consuming process of managing applications received manually. eVetting will streamline the entire vetting process and greatly contribute to a reduction in processing times for vetting applications. The eVetting system is designed to be compatible with the requirements of the National Vetting Bureau (Children & Vulnerable Persons) Acts 2012 to 2016 and in this regard, was launched in tandem with the commencement of the National Vetting Bureau(Children and Vulnerable Persons) Acts 2012 to 2016 on 29th April 2016.

Yours sincerely,

*Frank Walsh
Superintendent
Office of the Garda Commissioner*

Cllr. Niall O'Callaghan suggested that a Garda Vetting ID Card/Clearance Certificate could be put in place to reduce the administration volume of this process.

Cllr. Mikey Sheehy **SECONDED** this motion.

26. Securing of Loads on Vehicles

Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:

That the Council would clarify the law relating to the covering of materials being transported in open topped tractor and lorry trailers.

The following reply issued:

The statutory requirements in relation to the operation of vehicles on the public road, including securing of loads on vehicles, is provided for under the Road Traffic Acts 1961-2016 and regulations enacted under this legislation. An Garda Síochána are the statutory agency for enforcing the provisions under the Road Traffic Acts.

The regulations covering maximum laden weights of vehicles is set out in the Road Traffic (Construction and Use of Vehicles) Regulations, 2003 (S.I No. 5 2003) These regulations cover permissible weights, dimensions and requirements for trailers in the transport of materials as well as making provisions for special permits for abnormal loads. This does not provide for the covering of materials in open topped tractor and lorry trailers.

However, it is an offence under Section 13 (10) of the Roads Act 1993, where a person permits any material to fall from a vehicle, owned by him, and to be left on a public road, such that the material is a hazard or potential hazard to road users or it obstructs or interferes with the safe use of a public road or the maintenance of a public road.

There is a statutory requirement on the transport of waste by authorised waste collectors and conditions are imposed on such operators, under their waste collection permits, to have the waste being transported covered. This is provided for in the Waste Management Acts 1996-2019.

30. Reverse Vending Machines

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

That Kerry County Council call on the Minister for the Environment to rollout a National Reverse Vending Machines Scheme to address the major issue of plastic bottles, glass bottles and cans being discarded and that this Council engage with the Business Sector and encourage large scale companies to provide such machines at their premises similar to many other countries where these Reverse Vending Machines have proved to be a wonderful success story.

The following reply issued:

This is a matter for consideration by the Members.

There has been some recent press coverage of Irelands first reverse vending machine for plastic bottles having been installed in Co. Monaghan. This unit was provided and funded from private enterprise with some financial support from Monaghan County Council. The unit is supported by Quinn Packaging and Shabra Plastics and underpinned by Supervalu. This is a pilot project with the unit being leased for 1 year. The project is actively managed by the Local Tidy Towns Group.

The Department of Communications, Climate Action and Environment has commissioned a review to establish the best way to reach a 90% target from beverage bottles including examination of a deposit and return scheme and will consider the outcome of this review and any necessary actions from it once completed.

This matter will also be discussed further at the Environment, Climate Change and Emergency Planning SPC. It is certainly open to private enterprise to install such a unit.

Repak are currently running a pilot with GAA Clubs and Tidy Towns Committees giving them 120 litre bags for collecting plastic bottles and they get €5 back on every bag filled. Kerry County Council have made contact with Repak with a view to having a number of clubs and tidy towns groups from Kerry included in this pilot.

Cllr. Michael Cahill welcomed the response and encouraged Kerry County Council to engage with the business sector in Kerry, and perhaps liaise with SKDP/NEWKD regarding funding for these machines.

Cllr. Breandán Fitzgerald SECONDED this motion.

In response to a query from Cllr. Pa Daly asking if Kerry County Council could install these machines, Mr. J. Breen, Director of Service, said on receipt of the outcome of the review being conducted by the Department he would revert to the Elected Members on this matter.

31. Underground Tank adjacent to Killbonnivane Burial Ground

Pursuant to notice duly given Cllr. Charlie Farrelly PROPOSED:

I am calling on Kerry County Council to place an underground tank adjacent to Killbonnivane Graveyard and pump the water from that tank away from the graves and into an adjacent field for which permission is given by the landowner. This flooding problem has been ongoing for over 30 years.

The following reply issued:

This is an operational matter. Kerry County Council has assessed the situation in relation to the flooding at this location and the Engineering report was considered by the members in April 2018, with the works identified now complete. Kerry County Council will monitor the effectiveness of the works.

Cllr. Charlie Farrelly expressed disappointment with the reply. Kerry County Council carried out this work and the farmer across the road gave permission to pump water from there. He said a local group sought advice from an engineer from outside the county regarding the problem with the water. The advice received was to install a submersible pump. The works identified by Kerry County Council have not been finished and the burial ground continues to be flooded. He asked that this would be reviewed again. If funding is not available to do this work, the community will undertake to do some fundraising.

Cllr. Fionnán Fitzgerald SECONDED this motion and said this is a very serious issue with water going into the burial ground. He asked that this matter would be reviewed again by Kerry County Council.

Mr. C. O'Sullivan, Director of Service, said the issue of flooding in this area has been ongoing for 100 years since the burial ground was first located there. A number of notices of motion have been moved in recent years regarding this matter. A study was done on how the area could be drained and it was identified that the flooding was caused during exceptionally heavy rainfall. On old ordnance survey maps it is shown that this area is subject to flooding. Measures were brought before a meeting of the former Killarney Municipal District and the plan was acknowledge by the Elected Members and works were completed. There is an existing gulley within the burial ground and it was acknowledged that if there was a build up of water, the water

could be pumped from that gulley. There are measures in place to pump water from that gulley if required.

Cllr. Charlie Farrelly said he is asking for a holding tank to be put outside on the road, not in the burial ground, from which water can be pumped and which the farmer is willing to facilitate.

Mr. C. O'Sullivan, Director of Service, stated that Kerry County Council is the Road Authority so any works to be done on the road shall be done by Kerry County Council only on the approval of the Director of Service.

32. Countywide Transportation Plan

Pursuant to notice duly given Cllr. Norma Moriarty PROPOSED:

That Kerry County Council takes on the role as lead agent in the drawing up of a county wide transportation plan. All key stakeholders need to be involved but it is most fitting and appropriate that as the local authority, Kerry County Council are main drivers and facilitators.

The following reply issued:

The National Transport Authority (NTA) is the responsible authority for licensing road passenger transport operators and for the development of policy framework for the operation of public transport services. This includes public transport provided by Bus Éireann, Local Link, Taxis, etc.

The Council, as the road authority, has a function in facilitating the provision of infrastructure to support these services, such as the provision and regulation of bus stops and taxi ranks.

The Council will consult with the NTA, on the feasibility of developing a transportation plan for the county and bring a report back to the Transport SPC.

Cllr. Norma Moriarty referred to the reply which states "The Council will consult with the NTA, on the feasibility of developing a transportation plan for the county and bring a report back to the Transport SPC." and said it must be a priority that preparations be put in place on the basis of funding being made available for the development of a transportation plan.

Cllr. Pa Daly **SECONDED** this motion.

Mr. C. O'Sullivan, Director of Service, said this would require the engagement of consultants and the preparation of a brief for the consultants. There is a wider context regarding public transport and control of such transport operators. Kerry County Council is engaged with the NTA in that regard and will revert via the Transport SPC.

34. Directional Signage in the County

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

That Kerry County Council and Transport Infrastructure Ireland please carry out a review of directional signage in the County. There is inadequate signage for some locations.

The following reply issued:

The provision of directional signage is carried out in accordance with the Traffic Signs Manual.

Adequate signage in accordance with this Manual is provided on all National, Regional and Local Primary roads in the county. Signage is provided on Local Secondary and Local Tertiary roads to a lesser extent and as available funding allows. If there are specific locations where directional signage is either missing, obscured, removed or defaced, then this should be raised with the relevant area office who will address any deficiencies.

36. Farranfore as a centralised county transport hub

Pursuant to notice duly given Cllr. Fionnán Fitzgerald PROPOSED:

To call on the relevant authorities to ensure that Farranfore is developed as a centralised County transport hub going forward.

The following reply issued:

Farranfore is strategically located centrally in the County with strong national and regional road access to Tralee, Killarney, Castleisland and Killorglin. The village is also served by strong public transport links through Kerry Airport, Rail and bus services. Farranfore's strategic location and potential for development has been included as objectives in the recent Killarney Municipal District Development Plan. The development of the N21 Farranfore/Killarney By-pass route is a strategic objective of the Council and this will further enhance the connectivity and critical importance of Farranfore as a transport Hub.

Cllr. Fionnán Fitzgerald acknowledged that a lot of funding will be required and highlighted the continuing traffic congestion arising from the absence of a bus stop in the village.

Cllr. Jackie Healy-Rae SECONDED this motion

37. Affordable Housing

Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:

That Kerry County Council make the case for and prepare an economic assessment that will establish the need for the provision of Affordable Housing in the County to the Department of Housing.

The following reply issued:

In November 2018, as directed by the Dept. of Housing, Planning and Local government, Local Authorities were tasked with undertaking an economic assessment on Local Authority owned sites /lands that maybe suitable for mixed tenure housing developments, which may incorporate the provision of affordable housing. Two substantial sites were chosen and the DHPLG criteria were applied. The estimated realisable market value projected sale price in November 2020 was compared to building and site costs projected to November 2020. Both sites fell well short of the criteria. The market value of existing housing would have to increase from its present position before an affordable housing scheme would be deemed viable.

It is the intention of Kerry County Council to assess the matter further in 2020.

In response to a query from Cllr. Breandán Fitzgerald, Mr. M. O'Donoghue, Director of Service, clarified that the call that was made from the Department was to carry out an economic assessment, however, the sites chosen by Kerry County Council failed this assessment and, therefore, could not be submitted.

38. Traffic Calming Measures at Glenflesk Village

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

To ask Kerry County Council and the TII when will traffic calming measures be carried out, improvement works to the Pedestrian crossing and digital speed signs be erected at Glenflesk Village.

The following reply issued:

Topographical and Speed surveys have been undertaken in Glenflesk Village since the reduced speed limit of 60kph was implemented in June 2019. Despite the implementation of the new speed limit, excessive traffic speeds through the village has been recorded and the need for further traffic calming measures has been identified.

Traffic Calming Proposals are now being developed in consultation with the TII. The introduction of speed indicator signs is being considered as part of the proposals. Details of the proposed scheme will be presented to the members of the Killarney Municipal District in advance of the statutory consultation process.

Cllr. Maura Healy-Rae expressed her disappointment with the reply and said it is now two years since a fatality at that location and it appears traffic calming plans did not start until the speed limit was changed. She said she has requested that the speed indicator signs would be installed and asked when it is expected the scheme will be before the Killarney Municipal District members.

Cathaoirleach Niall Kelleher SECONDED this motion and said for long before the speed limit was reduced, there has been a need for traffic calming measures at this location. The reduced speed limit is not having the desired effect and we must endeavour to erect the speed limit indicators.

Mr. C. O'Sullivan, Director of Service, said the details of the proposed scheme will be brought before the Killarney Municipal District members early in 2020.

39. Public Lighting

Pursuant to notice duly given Cllr. Dan McCarthy PROPOSED:

To ask that Kerry County Council and relevant authorities look at all public lighting annually to ensure they are in working order.

The following reply issued:

Kerry County Council has put a maintenance contract in place to maintain and repair the public lighting networks throughout the county. The scope of this maintenance contract provides for the following performance targets:

- All reported faults to be repaired within 10 working days
- Faults detected by routine patrols to be fixed within one month
- An overall target of not more than 1.5% of all public lights in the county with reported faults at any one time.

The contractor is required to carry out day and night patrols of the public lighting system on a monthly basis. All public lighting in the county is inspected during these patrols. The Council operates a central management system to monitor the performance of public lighting which the contractor also operates, thus ensuring that the above performance targets are met.

Updates on the status of the public lighting repairs, particularly where the performance targets set with the contractor are not being met, are presented at

Municipal District meetings and if there are particular areas of concern these can be addressed at these meetings or with the local Area Engineer.

Cllr. Niall O'Callaghan SECONDED this motion.

40. Penalty Points for Drivers

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

That this Council would totally reject any further attempt by Minister Shane Ross to increase the level of penalty points for drivers.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cathaoirleach Niall Kelleher SECONDED this motion.

Cllr. Pa Daly said many of the increases in penalty points are brought in without consultation.

16.12.19.11 Correspondence – Conferences and Seminars

- a) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Breandán Fitzgerald, it was agreed to authorise the attendance of Cllrs. Niall Kelleher, Bobby O'Connell, Jim Finucane, Seamus Fitzgerald and Robert Beasley at the Celtic Conferences conference on the theme 'The Finance Act 2019' to be held in Carlingford, Co. Louth, from 10-12 January 2020.
- b) No members expressed interest in attending the Celtic Conferences conference on the theme 'Tackling Carbon Emissions and Fuel Poverty' to be held in Clonakilty, Co. Cork, from 24-26 January 2020.
- c) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Breandán Fitzgerald, it was agreed to approve the attendance of Cathaoirleach Niall Kelleher at the Chambers Ireland Excellence in Local Government Awards held in Dublin on 28 November 2019.
- d) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Breandán Fitzgerald, it was agreed to approve the attendance of Cllr. Michael Cahill, Chair of the Environment and Climate Action SPC, at the Climate and Biodiversity Action Workshop held in Dublin on 4 December 2019.
- e) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Breandán Fitzgerald, it was agreed to approve the attendance of Cathaoirleach Niall Kelleher at the Tidy Towns Regional Prize Giving Ceremony held in Ennis, Co. Clare on 6 December 2019.
- f) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Breandán Fitzgerald, it was agreed to approve the attendance of Cllr. Michael O'Shea at the World Health Organisation Launch Ceremony of the Age Friendly Ireland Shared Service held in Slane Castle on Monday, 16 December 2019.

16.12.19.12 Correspondence General

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

| Date | From | Description |
|-------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16/10/2019 | Minister for Housing, Planning & Local Government | Response to a resolution from Kerry County Council in relation to the provision of affordable housing in Kerry. |
| 21/10/2019 | Minister for Rural & Community Development | Response to a resolution from Kerry County Council in relation to the Seniors Alert Scheme. |
| 30/10/2019 | Minister for Education & Skills | Response to a resolution from Kerry County Council in relation to the inclusion of Driving Education in the School Curriculum. |
| 1/11/2019 | Minister for Employment Affairs & Social Protection | Response to a resolution from Kerry County Council in relation to the state pension provision. |
| 5/11/2019 | Irish Rail | Response to a resolution from Kerry County Council in relation to Shinkanesen type trains. |
| 12/11/2019 | State Examinations Commission | Response to a resolution from Kerry County Council in relation to extension to date sitting state exams |
| 15/11/2019 | HSE | Response to a resolution from Kerry County Council in relation to the provision of primary medical centres for the county. |
| 25/11/2019 | Minister for Finance | Response to a resolution from Kerry County Council in relation to VAT refunds for first time buyers. |
| 29/11/2019 | Transport Infrastructure Ireland | Response to a resolution from Kerry County Council in relation to the N22 at Ballyvourney and N72 at Rathmore. |
| 4/12/2019 | Minister for Communications, Climate Action & Environment | Response to a resolution from Kerry County Council in relation to increasing the income threshold when determining eligibility for social housing support. |
| 21/10/2019 | Dun Laoghaire-Rathdown County Council | Resolution adopted by DLR County Council calling on the Minister for Housing, Planning & Local Government and Minister for Finance to move the date by which Local Authorities are required to inform the Revenue Commissioners of the LPT rate to the end of October. |
| 27/11/2019 | Senator Robbie Gallagher | Reply to a Parliamentary Question regarding sustainable rural housing guidelines following the Flemish Decree. |
| 2/12/2019 | Donegal County Council | Resolution adopted by Donegal County Council regarding Parental Alienation. |

16.12.19.13 Any Other Business

Cathaoirleach Niall Kelleher thanked everyone for attending the meeting in Rathmore today. He thanked the staff of Kerry County Council for organising the meeting and the staff of Teach Íosagáin for facilitating the meeting.

The meeting concluded at 5.15 p.m.

Joan McCarthy
Meetings Administrator

Cathaoirleach of Kerry County Council