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**MIONTUAIRISÍ AN CRUINIÚ DE COMHAIRLE CONTAE CHIARRAÍ
A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR
AN LUAN, 21 Eanáir 2019**

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

PRESENT/I LÁTHAIR
Councillors/Comhairleoirí

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

APOLOGIES/LEATH SCÉAL

J. Sheahan

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. C. O'Sullivan, Dir. of Operations
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	Mr. L. Quinlan, Meetings Administrator
Mr. O. O'Shea, Press Officer	Ms. D. Griffin, SO Corporate Support
Ms. O. O'Shea, CO Corporate Support	Ms. J. O'Sullivan, CO Corp. Support
Ms. E. O'Connell, CO Corp. Support	Mr. D. Ginty, A/Senior Planner
Mr. G. O'Brien, A/SEO Environment	Ms. J. McCarthy, SEO Tourism Dev.

The meeting commenced at 10.35 a.m.

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

21.1.19.01 Cathaoirleach's Report on CPG meeting held on 15 Jan 2019

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

"Agenda for the January Council Meeting

Mr. L. Quinlan, Meetings Administrator, briefed the meeting on the Agenda for the January Council Meeting.

Mr. M. O'Donoghue, Director of Service, briefed the CPG Members on the agenda item on the 'Kerry County Council Land Bank'

Mr. M. Scannell, Director of Service, briefed the CPG Members on the agenda item on the 'Report pursuant to Section 13(1A) of the Planning and Development Acts 2000-2018 regarding Renewable Energy Policy'.

Update from the Chairs of SPCs

Cllr. N. Kelleher advised that a meeting of the Quality of Life SPC will be held at the end of January 2019.

Cllr. M. Kennelly advised that a meeting of the Operations SPC will be held at the end of January 2019.

Mr. J. Breen, Director of Service, advised that a meeting of the Tourism, Culture, Arts & Recreation SPC will be held on 30 January 2019.

Request for Civic Receptions/Annual Awards

The County Annual Awards and Municipal District Annual Awards will be held on Thursday, 24 January 2019 in the Rose Hotel, Tralee. This is an important night for the Local Authority and the recipients of the Awards and all Elected Members are encouraged to attend if possible.

It was noted that the Nagle Rice Community Group, Milltown will be included as a recipient for a Municipal District Annual Award.

It was proposed that a Civic Welcome be held at Listowel Municipal District the International Drama Festival group visiting Listowel in April 2019.

All other requests on hand will be considered at a later date.

Any Other Business

Public Lighting Proposal for Kerry

Mr. C. O'Sullivan, Director of Service, informed CPG Members that a National Steering Group has been established to review public lighting provision. This proposal will be discussed at the Operations SPC and then brought to full Council.

Election Posters

Cllr. M. Kennelly advised of arrangements agreed between Listowel Municipal District Members in the context of election posters in towns and villages within the MD. The Chief Executive advised that similar arrangements can be considered by each of the other Municipal District Members."

Cllr. M. Kennelly said he had been approached by fire personnel, who have expressed their concerns to him regarding their welfare following attendance at a fire on 20 November 2018. He asked Council management if this incident is being investigated and to give the Elected Members a full briefing on same.

Cllr. G. Spring said he had also been approached by fire personnel, who have expressed their concerns to him regarding their welfare.

Cllr. J. Moloney said he understands that there was no tar available recently for road works in North Kerry. He asked if this arose due to the maintenance budget for 2018 being expended before year end 2018.

Cllr. R. Beasley supported Cllr. Moloney's comments regarding the deplorable condition of the roads in North Kerry and the Listowel maintenance budget.

Cllr. M. Gleeson said since 1997 a 'no poster campaign' is in place in the former Killarney Town Council area which has always been respected for local and national elections. He asked that the 'no poster campaign' be undertaken for the upcoming local elections.

Cllr. R. Beasley said at a meeting in 2018 he had proposed that election posters would not be erected in the centre of towns and asked that this would be respected by all candidates.

Cllr. P. Daly said while respecting the 'no poster campaign' for the town centre a blanket ban on posters would be unfair to new candidates.

The Cathaoirleach said this matter can revert to the Municipal Districts in terms of designating areas for the erection of posters.

Cllr. P. Connor-Scarteen supported the 'no poster campaign' for town centres, adding that this has been in place in Kenmare for 20 years.

Cllr. M. O'Shea referred to the expected boundary changes for local electoral areas and asked when it is expected registers will be made available.

Cllr. A. Thornton said the International Drama Festival group visiting Listowel in April 2019 are travelling from Canada and North America. The group will be performing in Listowel during their visit.

It was unanimously agreed that a Civic Welcome would be held in Listowel Municipal District for the International Drama Festival group visiting Listowel in April 2019.

Cllr. S. Locke asked that staff numbers within Tralee Municipal District would be increased to meet the work programme.

Cllr. M. Healy-Rae moved Notice of Motion No. 33.

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

This Local Authority had a commitment to replace all Public Lighting to LED lighting throughout the County by 2015. What has happened with this commitment. Currently, how much is it costing to provide public lighting all over the County. Would this figure be greatly reduced if all public lighting were LEDs.

The following reply issued:

Kerry County Council currently has over 13,200 public lights, of which 1,390 have been upgraded to LED lanterns, through grant aid from Sustainable Energy Authority of Ireland in the Kerry Dark Sky Reserve, and from TII for part of the National Road network. The technologies used in the majority of our lights, date back to the 1960's and 1970's and there are significant issues to be addressed in the development of a replacement program, including the initial capital investment.

The Council's expenditure on public lighting energy supply and maintenance is approximately €1.95m annually, which also includes for festive lighting, traffic lights and street bollards.

A review of the public lighting network is on-going nationally and a business case has been developed for the upgrade of the public lights to LED lights. Given the significant issues involved, a report is being prepared for consideration by the Operations SPC, and it is our intention to bring this to the next meeting of the Operations SPC, before making a recommendation to Council.

Cllr. M. Healy-Rae asked for clarification on the review of public lighting as a commitment was given in 2015 that all public lighting would be upgraded. She asked what savings will be made if this upgrading proceeds.

Cllr J. Healy-Rae **SECONDED** this motion. He asked how much will it save to have all LED lighting in place. He said in 2018 Elected Members were told there would be an improvement in replacing lights that are not working, however, he had a number of instances where lights have yet to be replaced. He said while the national programme is welcome it is important that requests for the replacement of individual lights are addressed and that infill lighting is provided.

The Chief Executive said a national approach is being taken to public lighting across the country. There has been a lot of discussions with the Department and Local Government because of the scale of the project. A business case has been prepared for a programme for 2019-2020. The cost of the programme and loan amount will be set out and is on the basis of full cost recovery. As this is a national programme there will be specific interest rates on a loan. Funding is also earmarked under energy grants for this project. She said she did not give a commitment in relation to public lighting and as this is a national project better value for money is achieved due to the scale of the project. This is a significant investment for the county as well as being important in meeting climate change targets. This matter will be considered by the Operations SPC and presented to full Council at the February meeting.

In response to a query from Cllr. P. Daly on the nomination process for the Municipal District and County Annual Awards night, the Cathaoirleach said the protocol was adopted by the Elected Members and can be reviewed by the new Council in June 2019.

Cllr. P. Connor-Scarteen said he welcomed funding of €1.08m for works at Templenoe, however, the road is to be closed for 3 weeks to accommodate these works. This will require residents to take a 10 mile detour. He asked that consideration be given to putting a single land traffic system in place for the duration of these works. He also paid tribute to the work of the Litter Wardens of the county.

Cllr. D. Quigg moved Notice of Motion No. 23.

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

That Kerry County Council would engage in immediate discussions with TII in relation to a Full overlay and Traffic Calming Scheme for Glenbeigh Village including new LED Public Lighting on Public Footpaths where required.

The following reply issued:

The prioritisation of Pavement Improvement Schemes is determined by the TII, following pavement condition surveys of the national road network. Having regard to the condition of the road in Glenbeigh and other sections of the national road network, this section of road has not been identified in the current funding programme.

A Road Safety Inspection of the N70 has been carried out in Glenbeigh village by a TII Safety Team and a number of issues have been identified. In consultation with the TII, a programme of works will be devised to address the issues identified which include Lighting and Footpaths.

Consideration may be given to including future pavement works to combine with the safety works, subject to the level of funding available from the TII.

Cllr. D. Quigg said this matter was raised at Municipal District level and is still not resolved. He asked if an application for traffic calming measures would favourably consider LED lighting. The overlay of the road through the village also needs to be addressed.

Cllr. M. Cahill said the extension of public lighting to this very busy stretch of road at Glenbeigh Village has been sought for many years. He said specific development levies were raised which were not used for this purpose.

Mr. C. O'Sullivan, Director of Service, said the national programme is an LED replacement programme for existing public lights, not extending existing lighting. A report will be presented to the Operations SPC and then brought to full Council. Over the long term there will be benefits from this programme. In relation to new lighting, Council policy is that new lighting as part of traffic calming is LED. Approximately 10% of public lighting has been replaced with LED in recent times. The TII Safety Team has carried out an inspection on the N70 in Glenbeigh Village and a programme of works is being developed which will include lighting and footpaths.

Mr. J. Breen, Director of Service, responded to queries from Cllr. M. Kennelly and Cllr. G. Spring relating to health concerns raised by firefighters who attended a fire incident in Moyvane on 20 November 2018, which involved the presence of asbestos slate. He advised that following a review by both him and the CFO he was satisfied that correct procedures were followed at the incident. He also advised that the firefighters were met by the relevant ACFO following the incident and another meeting was being arranged within the next week to address any ongoing concerns of the firefighters which he said will be addressed. He also advised of the role of the Environment Department, who carried out tests of the material from the roof.

Cllr. T. Ferris asked if proper procedure was followed regarding disposal of protective clothing and requested that the Members meet with the CFO and the Health and Safety Officer on the matter.

The Chief Executive advised that oversight of the use of correct procedures in the fire service is a matter for her and the Director of Service and as advised by him staff have been engaged with and procedures have been reviewed. She confirmed that she will review the matter further and any issues arising will be addressed by her as Chief Executive and the Director of Service. She also advised that Kerry County Council has a strong health and safety system and staff numbers have been increased in this priority area.

Cllr. A. Thornton asked for a copy of procedures to be followed where asbestos is in place.

In responding, Mr. J. Breen, Director of Service, said asbestos slate and pipes are dealt with on a regular basis by Kerry County Council and that Health & Safety requirements are in place on how asbestos is to be dealt with and are implemented.

Mr. C. O'Sullivan, Director of Service, in response to queries raised, said at the start of each year there is a budgetary provision for the Municipal District Plans, provided for by the Budget adopted by the Elected Members and the Roads Allocation. The 2019 Roads Allocation for non-national roads is awaited and when notified will be presented to the Elected Members for adoption. With regard to the query on lack of tar, Kerry County Council has a stockpile of tar and chip available for maintenance of the road network, however, this query may relate to hot bitumen supplies from the supply plant, which is privately owned. The bitumen supply plant closes for a period during the winter, therefore hot bitumen is not available. In relation to staffing, additional staff have been recruited over the last year. The Chief Executive has given a commitment that staff retiring will be replaced. Recruitment competitions are ongoing at present, with approximately 600 applications received for the position of General Operative.

21.1.19.02 Confirmation of Minutes

- a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin, it was resolved that the minutes of the LPT Meeting held on 24 September 2018 be confirmed.
- b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. O'Connell, it was resolved that the minutes of the Budget Meeting of Kerry County Council held on 12 November 2018 be confirmed.
- c) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J.J. Culloty, it was resolved that the minutes of the December Ordinary Meeting of Kerry County Council held on 17 December 2018 be confirmed.

21.1.19.03 Chief Executive's Report to Council

The Chief Executive's report for the month of December 2018, which had been circulated, was noted by the Members.

Cllr. M. Gleeson referred to the allocation of €500,000 to the Killarney to Farranfore proposed outer relief road and said from 2000-2004 considerable money was expended on determining the best possible route which was announced in 2004. Since then lands on the route have been sterilised and owners have been unable to maximise the potential of their lands. He asked that the process of route selection would proceed in order that land and property owners would be given clarity. He also referred to the allocation of funding for car parks on the Muckcross Road and asked that the provision of car parking be progressed as a matter of urgency. He said the access road to the Old Kenmare Road walking route has deteriorated significantly and should be closed to vehicular traffic unless immediate works can be carried out by Kerry County Council and the NPWS.

Cllr. A. Thornton welcomed funding for the N69 (Mountcoal scheme) as this is a busy commuter route which has deteriorated and she asked that works progress as quickly as possible. She commended the jobs created with the support of the Local Enterprise Office. She said Ballybunion has been ranked 6th in the top 10 beaches in Ireland 2019 and congratulated the local community on the beach clean up that was undertaken at the weekend. She asked that the Municipal District schedule for beach cleaning be reviewed for 2019 with a view to increasing the number of clean ups done. She called again for the recruitment of an Outdoor Recreation Officer for North Kerry, adding that North Kerry is disadvantaged given the absence of this officer. North Kerry wants help to strategically plan projects that are important for the area.

Cllr. N. Moriarty acknowledged the participation of schools in the Young Scientist Competition and said the students are a credit to their schools and families. The high quality of the projects, on climate change and road safety, was reflected in the prizes received. She expressed concern at the slow progress with CIS projects and asked for an update. She welcomed the 104 jobs created through the Local Enterprise Office.

Cllr. P. Connor-Scarteen reiterated his request that local access be accommodated with singular lane traffic during works at Dromquinna. He welcomed the allocation of €3.2m for N70 Killorglin Approaches Scheme which has been called for over many years and asked that the works progress as a matter of urgency and that timeframes set for the works would be adhered to. He welcomed the 104 jobs created through the

Local Enterprise Office. He also welcomed the allocation of housing at Ard Bhearna, Kenmare. He asked for a timeframe for the completion of a further 14 houses at this location. He supported the request for the access route to the Old Kenmare Road to be upgraded. He asked for an update on the Local Area Plan for West Iveragh.

Cllr. N. Kelleher said Killarney Municipal District members have requested that quarterly meetings be held between Kerry County Council and the NPWS and he asked that this be put in place. He referred to the IBAL report and the specific reference to one of the roads on the periphery into Killarney. He said litter from cars must be tackled as it is costing this county money and the time of volunteers on clean ups. He welcomed the adoption of the Part 8 by Killarney Municipal District for 20 houses in Rathmore and also welcomed the 4 houses being constructed by the Rathmore Social Action Group. He said rents are increasing in Killarney which is challenging and vulture funds sitting on vacant properties, e.g. 50 vacant rental properties in Killarney, must be addressed by Government.

Cllr. M. Healy-Rae referred to the allocation of €500,000 to the Killarney to Farranfore proposed outer relief road. She said at a Killarney Municipal District meeting with the National Road Design Office it was outlined that this funding would be for assessment design and planning. The original plans for the scheme was to extend it out to Muckross and Lissivygeen. That extended route does not appear to be included now. A deputation from the Killarney Chamber and Hotel Federation indicated that this link road is vital for the town. It is essential that this link road remains a priority. She welcomed the commencement of construction on 61 units in Dirreen, Killarney. She asked for an update regarding upgrading of car parks on the Muckross Road.

Cllr. J. Healy-Rae asked for an update regarding the provision of footpaths and public lighting at Ardbhearna, Kenmare. He welcomed the funding allocated for road works at Gleannagealt, Killorglin and Dromquinna. In relation to Dromquinna, he said while acknowledging the health and safety issues, it must be appreciated that the road closure will result in a 10 mile diversion route via Molls Gap. He said if the Dromquinna road must be closed, then the laybys on the diversion route must be cleared as it is an extremely narrow road.

Cllr. J. Finucane welcomed the investment by Kilkenny Group in the purchase of a restaurant at Inch Beach. He asked that a letter issue to Kilkenny Group thanking them for their investment in the county which is a strong commercial vote of confidence in the product we have in this county. He acknowledged the significant investment in the roads infrastructure. He also acknowledged the role of Minister Griffin as these announcements are critical for development of the county. He asked if consideration could be given to making a skip available to Tidy Towns groups for the collection of rubbish following clean ups.

Cllr. R. Beasley welcomed funding for the N69 (Mountcoal scheme) which he had made representations on over a number of occasions. He acknowledged the work of individuals and community groups involved in clean ups that are ongoing in Ballybunion and North Kerry in general. He welcomed progress regarding the Tarbert-Ballylongford Landbank and said it is expected that development at the LNG terminal will commence before year end which will bring employment to the North Kerry area.

Cllr. P. Daly asked for the cost of the entire Killarney to Farranfore proposed outer relief road project.

Cllr. M. Kennelly welcomed funding for the N69 (Mountcoal scheme) and asked that these works would be completed as early as possible. He also welcomed works to be undertaken in Kilflynn village and the progress regarding the Tarbert-Ballylongford Landbank.

Cllr. T. Ferris asked when the Site Resolution Plan will be submitted for Kilmoyley South.

Cllr. B. Cronin referred to the allocation of €500,000 to the Killarney to Farranfore proposed outer relief road and said since 2004 these lands are sterilised. He said traffic studies indicate that traffic is gridlocked in Killarney, therefore, it is critical that this infrastructure is provided. He welcomed funding provided for works to Lewis Road/Killarney By-Pass. He asked for an update regarding Kerry County Council's application to Transport Infrastructure Ireland for Listry Bridge. He asked that works progress on providing car parking at Muckross Road, Killarney, before the tourist season starts.

Cllr. J.J. Culloty said he had previously asked that meetings be held with the NPWS three times per year. He asked that the parking on the Muckross Road be addressed by Kerry County Council and NPWS. He asked that the Killarney to Farranfore proposed outer relief road project be broken into three stages for delivery.

Cllr. M. Cahill said the Draft Iveragh Local Area Plan is an opportunity to address rural decline in this area and he encouraged businesses and community groups to contribute to the draft plan. He acknowledged and thanked the Environment Department for the work it carries out.

Cllr. M. O'Shea welcomed the investment of the Kilkenny Group at Inch Beach. He asked that Kerry County Council would progress with investment in car parking and development of Inch Beach to attract even further tourism to the area. He welcomed the announcement of funding for roads in the South & West Municipal District. He welcomed the provision of housing in Milltown.

Cllr. T. Barry welcomed funding for the N69 (Mountcoal scheme), the announcement of construction commencing on 7 housing units in Courthouse Lawn, Listowel, and investment in the county library service.

Cllr. J. Moloney welcomed funding for the N69 (Mountcoal scheme) and asked that this project be progressed as soon as possible.

Cllr. J. Lucid welcomed funding for the N69 (Mountcoal scheme). He added that this is the only national road in North Kerry and thus eligible for Transport Infrastructure Ireland funding. This puts the allocation for regional and local roads in the Listowel Municipal District into perspective and at a disadvantage. He welcomed the provision of housing in Listowel. He also welcomed progress on the LNG Tarbert-Ballylongford Landbank.

Cllr. P. McCarthy asked if Kerry County Council management has given consideration to the implications there are for business, farming, tourism and many other aspects for our county should there be a no deal Brexit.

The Chief Executive said as there is a management structure now in place with the NPWS regular meetings will be held, with an initial meeting taking place shortly. With regard to a Rural Recreation Officer, this appointment is very important for North Kerry and Kerry County Council has engaged with the local partnership company who are the body under which this officer would be employed. Kerry County Council will continue to pursue the appointment of a Rural Recreation Officer for North Kerry. In relation to vacant properties, this will be reviewed over 2019 and the vacant sites levy is available for application to the Council. With regard to Inch Beach, work has been done regarding traffic management and facilities have been put in place to secure a Blue Flag for Inch Beach. The Chief Executive welcomed the Transport Infrastructure Ireland allocation and given that 12% of the national routes are in County Kerry it is a significant allocation. Notification of the regional routes funding is awaited. In response to a query regarding Brexit, the Chief Executive said assessments have been done. The national shared service for procurement would be impacted and an initial assessment of frameworks and suppliers has been undertaken. The Local Enterprise Office has held briefings regarding Brexit plans. The Economic Development Officer has attended Local Government training on Brexit. She undertook to give updates in the Chief Executive Report to the Elected Members.

Mr. C. O'Sullivan, Director of Service, said the Transport Infrastructure Ireland allocation is a substantial amount of funding for Kerry which is welcomed. Additional funding of €6.8m was secured at the end of 2018 and it is hoped to secure even further funding at year end 2019. In relation to appraisals for three schemes submitted to the Transport Infrastructure Ireland, two tenders have issued and the third is due to issue on 2-3 weeks. With regard to the Road Design Office, as schemes are progressed it is hoped that additional funding will become available towards year end. He welcomed the funding for the Killarney-Farranfore project and said as the scheme had been suspended for many years, and there has been changes in legislation and planning, a thorough review must be undertaken which will also take into consideration the Muckross and Lissivygeen link. The cost of this project is approximately €200m and developing it at stages will be examined. With regard to funding for the Listowel By-Pass, this is a significant project and it is hoped to have a contractor on site towards the end of the year. When non-national roads funding is advised a full Roads Programme will be presented to the Elected Members. In relation to road works at Dromquinna, issues raised are taken on board. In delivery of the scheme regard must be had to health and safety and unfortunately this sometimes necessitates a road closure, however, discussions will be held with the contractor regarding accommodation local access during the 3-week closure of the road. He said he would arrange for the Area Engineer to discuss the road closure with Bus Éireann and to follow up on the lay-bys on the detour route. With regard to Listry Bridge, the project appraisal is with the Department of Tourism, Transport and Sport, as is the project appraisal for the Dale Road and a response is awaited. In relation to Kilmoyley South, Kerry County Council is trying to progress the Site Resolution Plan as quickly as possible and he said he has just been advised today that it is expected it will be delivered within the next three weeks.

21.1.19.04 Kerry County Council Bye-Laws for Cemeteries 2018

Mr. C. O'Sullivan, Director of Service, referred Elected Members to report dated 3 January 2019, which had been circulated. He outlined the report, including that the draft Kerry County Council Cemeteries Bye-Laws were developed, in consultation with the Operations SPC, having regard to the provisions of Part 19 of the Local Government Act, 2001 (as amended), and the Local Government Act 2001 Bye-Laws

Regulations, 2006. The draft incorporates changes to the legislation since the current byelaws were adopted in June 2010, societal changes, and having regard to issues raised by the members in recent years, particularly on the erection of headstones. Following the presentation to Council, at the June 2018 meeting, the draft Kerry County Council Cemeteries Bye-Laws 2018 were on public display for the period from Wednesday, 18 July to Friday, 31 August 2018. A total of 4 submissions were received. It is recommended to Council that the draft Bye-Laws, be adopted, subject to a number of amendments following the public consultation period. Subject to the approval of the members, it is proposed that the Bye-Laws should come into force on 1 March 2019.

Cllr. R. Beasley asked for an update regarding an extension to the burial ground area at Causeway Churchyard and the availability of land for this extension.

Cllr. B. O'Connell asked that Kerry County Council be pro-active in the provision of Columbarium Walls in burial grounds. He asked for clarification in the Bye-Laws regarding ancillary decorations, e.g. flagpoles.

Cllr. N. Kelleher asked for clarity regarding the Burial Board, i.e. is that Kerry County Council. He asked that the provision of Columbarium Walls be progressed in burial grounds. He expressed concern that the Bye-Laws are not strong enough should a breach occur and sought a commitment regarding enforcement of the Bye-Laws. He asked if each plot will be identified with a grave marker prior to burial. He asked when grave spaces for cremated remains will be identified. He queried the strength of the Bye-Laws regarding the ownership of a burial right. In relation to signage he suggested a QR Code could be included on the sign to link to the full detail of the Bye-Laws.

Cllr. J. Lucid referred to Causeway Churchyard and said it was understood that this matter was being progressed but it has stalled. He said stones had been removed from boundary ditch of the churchyard and have been left stacked beside a number of graves. He asked that the stacks of stones would be removed.

Cllr. J.J. Culloty asked that the Columbarium Walls at Knockeenduff burial ground would be provided as soon as possible. He asked if the Bye-Laws could include a condition that people would be asked to sign a form indicating that they have been made aware of the criteria regarding headstones and that headstones erected that are in breach of the Bye-Laws will be removed.

Cllr. B. Cronin said he had highlighted the issue regarding headstones at Killarney Municipal District in December 2017 and out of respect for the deceased there must be equality of standard for everybody. Bye-Laws have been in place since 2010 which include reference to the height of a headstone not exceeding 1.5m. This has been incorporated into the new Bye-Laws. Aghadoe burial ground, for example, has a number of headstones which breach the current Bye-Laws and he said he believes the onus lies on the Local Authority as owner of the burial grounds. The Local Authority is not dealing appropriately with the breach of the current Bye-Laws. Public opinion is that what is happening in Aghadoe burial ground is obscene and disrespectful to families of adjoining plots. He said he would not support the Bye-Laws until he has confirmation from management of Kerry County Council that they will ensure equality and respect is applied to all burial plots and any illegal monuments erected will be dealt with. He said as the 2010 Bye-Laws have not been enforced, could he get clarification on how these Bye-Laws will be enforced.

Cllr. S. Locke agreed with Cllr. Cronin and said stone masons must be advised of the requirements of the Bye-Laws. He asked that the Bye-Laws provide for the removal of plastic wreaths after a period of time and that dogs must be held on a lead in burial grounds. He said enforcement of the Bye-Laws and penalties must be implemented regarding any breaches.

Cllr. J. Healy-Rae welcomed the Bye-Laws, however, enforcement is vital, particularly in relation to headstones. He asked for clarification on the procedure for erecting a headstone in a burial ground and an explanation of the Certificate of Permission. He suggested the placement of information boards in burial grounds advising what is permitted. He agreed with the requirement that stone masons be registered with Kerry County Council. He asked if, in the case of the death of a child, could the parents buy the adjoining plot.

Cllr. M. Healy-Rae asked for clarity in relation to uncoffined burials and who deems such a burial appropriate. She also asked if there is a policy regarding the size of the inscriptions on a Columbarium Wall.

Cllr. D. Quigg welcomed the Bye-Laws and said consideration should be given to providing a crematorium in the county. He said the National Graves Association is responsible for a number of flag poles on graves and he opposed the proposal to stop the erection of flag poles on graves. He PROPOSED that the Bye-Laws include a reference to allowing for the erection of flag poles on graves.

Cllr. P. Connor-Scarteen asked that it be an objective of Kerry County Council to have Columbarium Walls in all burial grounds in the main towns of the county. He said dogs should not be allowed in burial grounds and litter enforcement is an issue in burial grounds.

Cllr. A. Thornton referred to article 26 of the Bye-Laws regarding parking, and in relation to the community car park adjoining Lixnaw burial ground she asked if works are to be done to this car park.

Cllr. J.F. Flynn said there is an issue regarding dog fouling in burial grounds and dogs should not be allowed in burial grounds, with the exception of guide dogs. He referred to damage to a burial ground in Castleisland and asked what penalty is in place for this unacceptable behaviour. He asked that a letter issued to the Department of Justice to ensure that penalties are in place for criminal damage that is carried out in cemeteries.

Cllr. M. O'Shea SECONDED Cllr. Flynn's request to issue a letter to the Department of Justice. He asked for clarification on Kerry County Council's policy regarding a custom in the west Kerry area where family members backfill the grave, which was not allowed by the funeral director at a recent burial.

Cllr. T. Ferris said all religions and beliefs must be accommodated under the Bye-Laws. She supported Cllr. J. Healy-Rae's request regarding parents buying an adjoining plot to the plot of a child who has passed away. In relation to marking plots she suggested that there be an established practise whereby Kerry County Council has a person assigned to this. She asked that a Register of Burial Grounds, to record the names and location of burial plots, be set up. She welcomed any move towards equality of standard for headstones in burial grounds. She suggested that where a person dies, without family or funds, that Kerry County Council would provide a headstone. She opposed the proposal to stop the erection of flag poles on graves.

Mr. J. Breen, Director of Service, advised that Graveyard Burial Records are available on Kerry County Council's website.

Cllr. M. Kennelly, as Chair of the Operations SPC, welcomed the Bye-Laws and said the main concern relates to enforcement, e.g. illegal dumping and control of dogs in burial grounds, with the onus being on Kerry County Council to protect our burial grounds. He asked if an Enforcement Office could be appointed in each Municipal District to enforce the Bye-Laws. He PROPOSED the adoption of the Kerry County Council Bye-Laws for Cemeteries 2018.

Cllr. J. Finucane SECONDED this proposal.

Cllr. M. Cahill welcomed the Bye-Laws, however, he added, they must be rigorously enforced. It is important the stone masons be informed of the requirements of the Bye-Laws in relation to headstones. He asked that a water supply be provided in all burial grounds and asked that the taking in charge of roads leading to Kerry County Council burial grounds be followed up, particularly for Cromane burial ground.

Cllr. D. Grady welcomed the requirement in the Bye-Laws in relation to the standardisation of headstones and said the Bye-Laws must be adhered to in this regard.

Cllr. G. Spring asked if the burial depth requirement also applies to uncoffined burials.

The Cathaoirleach supported the comments made regarding damage to burial grounds and dog fouling. She asked that mobility access to burial grounds be reviewed, particularly where an older burial ground has been extended and the original access point remains. She asked that a new access point be provided to access new graves in the extended area.

Mr. C. O'Sullivan, Director of Service, said in relation to the Causeway Churchyard extension, a report was presented to the Operations SPC and Council previously outlining investment required in burial grounds and this was identified. With regard to Columbarium Walls, the views of the Elected Members have been taken on board and a process is currently being undertaken regarding the appropriate design and determining costings for Columbarium Walls. This will be brought back to the Municipal Districts. Killarney and Tralee will be prioritised initially, and other towns considered thereafter. In relation to flags, the draft Bye-Laws were brought through the Operations SPC and this was not raised as an issue at that time, therefore it did not form part of the public consultation. The situation will be monitored and if any significant issue arise it will be brought back to the members. The flying of the national flag does take place in a significant number of graveyards throughout the county. Kerry County Council is the Burial Board for the burial grounds within its control. These Bye-Laws relate solely to Local Authority burial grounds. The number of cremations has increased, thus the provision for smaller plot sizes for cremated remains. In relation to burial rights and owners, that is prescribed in law; once a plot is purchased the burial rights belong to the purchaser of the plot. He undertook to follow up the removal of stones from the Causeway Churchyard. In relation to enforcement of the size of headstones and surrounds, careful consideration was given to this by the Operations SPC. Lawn style cemeteries will be applied for new burial grounds. A key addition to the Bye-Laws is that a stone mason must be registered with Kerry County Council before erecting a headstone or surround in a burial ground. Signage will be erected in burial grounds

advising of the Bye-Laws that are in place and where they can be viewed. He acknowledged that there have been difficulties regarding enforcement, however, legislation is clear that the Local Authority is responsible for the management of burial grounds. With regard to dog fouling and littering, this is covered under article 16 of the Bye-Laws, and the Litter Acts can be used in terms of addressing that issue, and the removal of plastic flower wreaths is provided for in the Bye-Laws. Mr. O’Sullivan said there is provision for family plots. Any exceptional cases will be dealt with on a case by case basis. A Certificate of Permission is issued by Kerry County Council for the erection of a headstone. In relation to uncoffined burial, new regulations prescribe making provision for uncoffined burials and burial depths are provided in the Bye-Laws. All Kerry County Council’s burial grounds are open to all denominations and non-believers. With regard to the provision of a crematorium, the role and responsibility of the Local Authority is to provide a burial space for internment of remains. Private companies are involved in the operation of crematoriums, with costs and stringent regulations applying to same. A private company could make an application under planning for a crematorium. In relation to Lixnaw car park, the community has agreed that the car park can be used by those attending funerals; no works will be undertaken by Kerry County Council at this car park. He said the burial ground that was damaged in Castleisland is not owned by Kerry County Council, however, this behaviour is unacceptable and can be prosecuted through the courts with the Gardaí. In relation to marking out plots, this will be done to avoid any disputes at a later stage. The feasibility of providing additional access points to burial grounds will be examined. In relation to digging of graves, once a plot is purchased, the burial and digging of the grave is a matter for the undertaker and the family; this reverts to the rights of ownership and being the property of the family. Due to health and safety, some undertakers may have an issue with allowing family members to backfill a grave. The taking in charge of the road leading to Cromane burial ground will be followed up, it is a separate issue to the Bye-Laws. The primary reason for amending the Bye-Laws was that enforcement was a challenge in the past, and this is acknowledged; rigorous enforcement of the new Bye-Laws will be required and a more active approach will be taken by Kerry County Council.

Mr. L. Quinlan, Meetings Administrator, said a vote would now be taken on the following:

“On the PROPOSAL of Cllr. M. Kennelly, SECONDED by Cllr. J. Finucane, that this Council hereby resolves to make the Kerry County Council Bye-Laws for Cemeteries 2018, in accordance with the provisions of Part 19 of the Local Government Act 2001, the Local Government Act 2001 Bye Laws Regulations 2006, and any other enabling statutory powers, subject to amendments set out in the Director’s report dated 3 January 2019.”

The result of the vote was as follows:

For: Cllrs. Barry, Beasley, Cahill, Connor-Scarteen, Ferris, Finucane, Fitzgerald, J. Healy-Rae, M. Healy-Rae, Kelleher, Kennelly, Lucid, D. McCarthy, Moloney, Moriarty, Quigg, Spring, Thornton, Foley **(19)**

Against: Cllrs. Cronin, Culloty, Flynn, Grady, Locke **(5)**

Not Voting: **(0)**

Absent: Cllr. Daly, Gleeson, P. McCarthy, McEllistrim, O’Brien, O’Connell, O’Shea, Purtill, Sheahan **(9)**

Mr. L. Quinlan, Meetings Administrator, declared the resolution CARRIED.

Suspension of Standing Orders

The Cathaoirleach indicated that it was 1.30 pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J. Finucane, it was agreed to suspend Standing Orders to allow the meeting to continue.

21.1.19.05 Report pursuant to Section 13(1A) of the Planning & Development Acts 2000-2018 regarding Renewable Energy Policy

Mr. M. Scannell, Director of Service, referred Elected Members to report which had been circulated on 11 January 2019 and outlined details of the report which was prepared pursuant to Section 13 (1A) of the Planning and Development Acts 2000-2018. The report set out details of the contribution made by the county of Kerry to renewable energy nationally, with 317 wind turbines constructed and a further 37 under construction as at December 2018, contributing 16.8% of national output. The report pointed out that a commitment was given at the 2017 November meeting of the Council that a review of the Landscape Character Assessment was to commence to inform a revised Renewable Energy Strategy once the revised Energy Wind Guidelines were published and that this work was nearing completion. The report referred to the Review of the Wind Energy Development Guidelines 2006 and the Draft Preferred Approach as announced by the Minister in June 2017, and to Circular PL5-2017 which re-affirmed an earlier advice to local authorities not to review planning policy in respect of wind energy until the revised Wind Energy Guidelines are published by the Minister. The Minister also published Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change pursuant to Section 28 of the Planning and Development Act in July 2017. Planning Authorities must have regard to guidelines issued under section 28 in exercising functions under the Planning code. Circular letter PL05-2017 accompanying these guidelines stated that these were not the finalised wind energy guidelines or replacement guidelines but outlined the National plans and policies that planning authorities must have regard to when making, reviewing, varying or amending development plan or local area plan policies in relation to renewable energy, and in particular, wind energy developments. Circular Letter PL05-2017 also reminded Local Authorities that; "...the Minister has powers under section 31 of the Act, which allow him to direct a planning authority to amend a statutory development plan. Where a local authority includes provisions considered to be incompatible with established national policy on renewable energy development and the statutory Guidelines, including the Wind Energy Development Guidelines (2006) or these Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), consideration will be given to the use of those powers to direct the local authority to remove the incompatible provisions."

The report referred to the December Council Meeting where members requested the Chief Executive to prepare a report on a revised Renewable Energy Strategy that includes the insertion of a mandatory separation distance of 10 times the turbine height from sensitive receptors. The adoption of such an approach is clearly at variance with the National Policy as such a separation distance (of up to 1.5km) would be unduly restrictive and also clearly at variance with the separation distances (4 times the turbine height) outlined in the Preferred Draft Approach to the Draft Windfarm Guidelines as set out by the Minister on 13th June 2017.

The report pointed out that should the Council proceed to vary the County Development Plan in a manner that is deemed incompatible with National Policy (including ministerial guidelines either finalised or in draft form) then it is most likely that the Minister will exercise his powers pursuant to Section 31 of the Planning and

Development Act and direct Local Authorities to amend the Development Plan as has done previously.

The likely result of such an intervention will be an absence of a local policy in respect of wind energy development in the County Development Plan. The absence of local policy places the County in a vulnerable position as wind energy planning applications which may be subsequently appealed to An Bord Pleanála would be assessed in relational to National Policy only, the specifics of which were outlined in circular letter PL05-2017.

In summary, therefore, the report stated that there is clear advice from the Minister for Housing Planning and Local Government that local Authorities should defer the review of policies relating to renewable energy until such time as the Wind Energy Guidelines are published. Given the concern of the Members, however, the Chief Executive has commenced the process of preparing an updated policy on renewable energy which will incorporate the Landscape Character Assessment and be informed by the Preferred Draft Approach announced by the Minister, the details of which were outlined. This draft Policy will be presented to members in March 2019 for consideration and will take cognisance of the following;

- The sensitivity of the landscape
- Turbines constructed, incl. cumulative impact.
- Turbines permitted, not yet constructed.
- Changes in turbine technology.
- Tourist routes.
- Natura Sites (SAC/SPAs)
- Archaeological landscapes.
- Location and suitability of supporting infrastructure.
- National Policy.
- Separation distances outlined in the guidelines (or draft approach)

It is expected that further detail on the Windfarm Guidelines will be available by March. At that stage it will be necessary to assess if there is sufficient clarification and guidance to proceed with a Variation to the County Development Plan to incorporate this revised policy in respect of renewable energy. At present the Chief Executive was not satisfied that sufficient information is available to the council to enable it to proceed with a variation that would be satisfactorily robust and stand up to legal challenge. Any proposed variation to the County Development Plan will have to be consistent with National Policy and comply with the guidelines whether draft or otherwise that apply at the given time.

Cllr. J.J. Culloty expressed his disappointment that the Guidelines had not yet been finalised by the Department even though the process had been on-going with a number of years. The situation had changed dramatically in recent years due to the change in the scale of the turbines and given their size it was not appropriate that they be provided other than in very remote areas. Given the numbers being constructed, the county faces considerable challenges due to the impact of the turbines on the lives of local people and communities. He pointed out that the new legislation provides that Councillors can ask the CE to prepare a report for stated reasons and this was what was requested given the concerns arising from those living in close proximity to such turbines. While he accepted that the reduction in carbon emissions was very important he pointed out that the building of additional turbines will not change the levels of emissions. What members were requesting was a set back distance of 10 times the height of the turbines so as to limit the impact on the local community and this should

be incorporated into the County Development Plan; he said he had proposed this at a previous meeting and Cllr. Moloney had seconded the proposal. He asked if the carbon credit for a wind farm developed in this county, which is owned by a company in a foreign country, can be claimed by that country.

Cllr. J. Finucane pointed out that the Landscape Character assessment was a critical element of the overall renewable energy process as applications refused by the Council were overturned by An Bord Pleanála. County Kerry was contributing 20-30% to the national output of renewable energy with the input from counties along the west coast of Ireland phenomenal compared to the rest of the country. He pointed out that the revision of the guidelines had been delayed at Department level and it was important to let the Minister and Department know that Kerry County Council was moving ahead with the process in the absence of the finalisation of the guidelines. This process was a source of huge frustration for elected members and the guidelines were urgently needed to provide clarity going forward.

Cllr. J. Moloney referred to the current situation whereby most of the windfarms were being put in one area of the county and policy nationally was being put on the long finger by the Minister and Department. He referred to the role of An Bord Pleanála in the process and to the number of refusal decisions being overturned which was causing deep frustration to local communities. What was required was a set back of 10 times the height of a turbine. He also referred to the damage being done to local roads by heavy machinery where such turbines were being constructed and the need for action in relation to same. He also referred to the impossible situation local communities were being put in, if they wanted to undertake legal action regarding any of the decisions, due to the very high costs of such actions. The Council needed, therefore, to act urgently to amend the Development plan to cater for the set back of 10 times the height of a turbine.

Cllr. T. Ferris pointed out that both FF and FG deputies had voted against inclusion of a limit of 10 times the distance which had been included in a recent Bill in the Dáil, the reason being that it would reduce the amount of land available for wind farm developments. She referred to the recent media coverage on the performance of the members and that the Landscape Character Assessment needed to be revised urgently as landscape was a matter consistently referred to by An Bord Pleanála when making decisions. It was essential, therefore, that the Members change the current landscape character assessment, and this needed to be done before May.

Cllr. N. Kelleher welcomed the positive approach being taken in this report and said, while this report indicates that the process has commenced the Elected Members want this process followed through and concluded, as while the Guidelines are awaited this county is being decimated by wind turbine developments.

Cllr. D. Grady said communities are being downtrodden and suffering from the size and effects of turbine developments.

Cllr. M. Gleeson said turbine developments are disrespecting and disregarding local communities. The lives of family have disintegrated and communities are deeply divided because of these developments. Communities are being failed and it is time to shout stop.

Cllr. J. Healy-Rae said the first wind farm in County Kerry was built in Kilgarvan on a site which was zoned 'open for consideration' and as the site was located over a kilometre from any house it was a suitable site. However, applications for wind farms, which are refused by Kerry County Council, are being appealed to An Bord Pleanála and they are referring to the Kerry County Development Plan which is not strong enough on grounds for refusal of these developments.

Cllr. M. Kennelly supported the proposal to amend the County Development Plan and said these developments must stop as they are harming communities.

Cllr. M. O'Shea empathised with those who are living close to wind farms. Kerry is being asked to allow companies to develop wind farms to feed the national grid, to feed companies located in Dublin. At the same time Kerry is trying to develop sustainable employment within the county. He asked if offshore wind turbines are an option for County Kerry. He said the development of further wind farms should not be allowed until the national guidelines are in place.

Cllr. A. Thornton said the description of North Kerry as an area 'of no scenic value' in the Landscape Character Assessment is disgraceful and must be amended. Ballybunion has been voted the 6th best beach for 2019 and Listowel has won the national Tidy Towns award; North Kerry must be given due consideration for its touristic and economic value. While acknowledging that the Elected Members and management are restricted in what they can do, it is blatant that the county has enough wind farms and roads have been severely damaged due to their construction. The level of development levies applied to these developments was not enough to protect the roads infrastructure. There is lack of engagement with communities by the developers. Neighbours, friends and families have been divided because of these developments. The variation to the County Development Plan must proceed ahead of the publication of the long overdue Departmental Guidelines.

Cllr. B. Cronin said wind farms are devastating families living in rural areas with noise and flicker; they have divided communities, families and friends, and have destroyed rural road networks. He said other communities must be protected from this and he supported the request for a setback distance of 10 times the height of a turbine.

Cllr. J. Finucane accepted that the Department has not delivered in relation to the Wind Energy Guidelines. He said with regard to climate change the ESB is the biggest polluter in this region. If the same Department had not put impediments in place regarding the LNG development climate targets would already have been addressed. The county needs certainty in its County Development Plan that it is a policy An Bord Pleanála will follow. As outlined in today's report the process has started and that process should be progressed in order that every member can contribute to it and a full and comprehensive document developed.

Cllr. P. Connor-Scarteen agreed with Cllr. Finucane and said the impact of the current County Development Plan, and refusals which have been overturned by An Bord Pleanála, has had negative consequences for communities. As an island nation maritime wind farms must be considered as an alternative.

The Cathaoirleach said the Elected Members are united unanimously in relation to this matter and wish to see it progressed.

The Chief Executive said at the December 2018 Council meeting the Elected Members asked that a report be prepared and this has been done. She said while this course of action is not her preference, as part of the request from the Elected Members the revision of the County Development Plan has commenced and is underway. This process could result in the County Development Plan being nullified, i.e. it will no longer exist and there would not be a County Development Plan in place for reference when an application refused by the Planning Authority is appealed to the An Bord Pleanála. That is not a good situation for Kerry. It is hugely important that the review of the County Development Plan be done, aligned to the information that is available. The Minister for Housing, Planning and Local Government announced a Preferred Draft Approach in relation to the Review of Wind Energy Development Guidelines 2006. The Preferred Draft Approach or finalised Wind Energy Guidelines will be taken into consideration in the preparation of our Wind Energy Policy. There will be engagement with Department officials to determine if there is further information available to enable commencement of this process. While the instigation of the process to vary the County Development Plan is an executive function, management is trying to work with the request from the Elected Members to be fair and balanced. The preparation of the Landscape Character Assessment is a long process. In the decisions of An Bord Pleanála, they refer to the character and landscape in Kerry's Landscape Character Assessment. It was agreed to review the Landscape Character Assessment in order to find a way in which to protect the county while awaiting the Department Guidelines. It is important that this review if undertaken aligned to the national policy, otherwise the consequences will not be good for Kerry.

Cllr. T. Ferris asked that the Landscape Character Assessment, with the reference to North Kerry being of 'no scenic value' deleted from it, be presented to the Members at the February Council meeting.

Mr. D. Ginty, A/Senior Planner, said the Landscape Character Assessment is an informative document to assist Planning Department staff and Elected Members. The County Development Plan and Renewable Energy Plan are the documents which An Bord Pleanála refer to in their decision making.

The Chief Executive said the Landscape Character Assessment requires an assessment and mapping of each DED in the county and it must be done systematically in order to do proper planning and identify how the county has changed, e.g. taking the Wild Atlantic Way into account. It is proposed to bring a variation of the energy policy along with the Landscape Character Assessment to the March council meeting.

Cllr. J.J. Culloty said as the publication date for the national guidelines is still unknown he believes the Elected Members can take action by amending the County Development Plan to include a setback distance of 10 times the height of a turbine, as was agreed previously.

Cllr. M. Gleeson said Kerry is responsible for $\frac{1}{6}$ of the output to the grid for the entire country. Therefore, we have done our bit in terms of renewable energy and there is an obligation on the Elected Members to take a stance on this matter and say that enough is enough.

Mr. M. Scannell, Director of Service, said the executive and Members are very much aligned to protecting the landscape of the county. Unfortunately, with the best will in proposing a setback distance of 10 times the height of a turbine, it is deemed to fail

and will not protect the landscape of Kerry. Taking account of the national draft guidelines that the Planning Department is working on, together with the informed way we are looking at the landscape, the increased scale of turbines and the tourism potential on the western coast, we will have a very strong objective analysis to support the view that areas are not 'open to consideration'. The draft guidelines propose a setback distance of 4 times the height of a turbine and address shadow and noise, which we believe will have a positive impact on protecting households of the county. The executive are asking for some time to prepare a document for the Elected Members which will incorporate these proposals.

The Chief Executive said the County Development Plan cannot be varied by a proposer and seconder in the Council Chamber. There is a formal process that must be followed, i.e. the Chief Executive must bring a proposal to vary the County Development Plan to the Elected Members. She said in wanting to work with the Elected Members, she will present a report to the Elected Members in March which will overlay the national proposals on a map of Kerry. This overlay will show what effect the national proposals will have on the county. In taking guidance from the national guidelines it will give perspective within the framework of what is acceptable. Any variation to the County Development Plan outside of the national proposals would result in a Ministerial intervention and no local policy in place which would not be good for Kerry. A report, as outlined, will be presented to the Elected Members at the March council meeting.

21.1.19.06 Annual Declaration Forms in accordance with Part 15 (Ethics) of the Local Government Act 2001 as amended

Mr. C. O'Connor, Director of Service, referred members to report dated 17 January 2019 on this item which was circulated. He advised members that Ethics Declarations must be returned before 28 February 2019.

It was agreed to note this report.

Mr. L. Quinlan, Meetings Administrator, advised Elected Members that Disclosure of Donations forms which have issued must be returned by 31 January 2019.

21.1.19.07 Date for the March Council Meeting

On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. P. McCarthy, it was agreed to hold the March Council meeting on Monday, 11 March 2019.

21.1.19.08 Date for Special Municipal District Meetings

On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. B. Cronin, it was agreed that Special Municipal District Meetings to consider and approve allocations from the 2019 Community Support Fund would be held in the Council Chamber, Áras an Chontae, Tralee on Tuesday, 19 February, 2019.

The First Meeting of Dáil Éireann

The Cathaoirleach said it was 3.30 p.m. and she wished to acknowledge the fact that at 3.30 p.m. 100 years ago today, 21 January 1919, the first meeting of Dáil Éireann was held in the Round Room of the Mansion House in Dublin. It is important that here in this building, the headquarters of Kerry County Council, we would celebrate this, a democracy we cherish and seek to uphold and promote in this country and worldwide. She asked for a round of applause in honour of the first meeting of Dáil Éireann and the virtues of democracy.

21.1.19.09 Kerry County Council's Landbank

Mr. L. Quinlan, Meetings Administrator, reminded Councillors of their duties under the ethics legislation and in particular of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must:

- (1) Disclose the nature of his/her interest or the fact of a connected person's interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

There can be no discussions with people in the public gallery while the meeting is in progress.

The Chief Executive referred Elected Members to report dated 15 January 2019 regarding Kerry County Council's Landbank which was circulated. She outlined the report and said the Council has requested that a report be prepared and submitted for consideration in respect of the current Land-Bank held by Kerry County Council. The report and Appendices set out the relevant information regarding this Land-Bank.

Rebuilding Ireland has established a Target of 1,770 Units, for Kerry, for the period 2017-2021 under the broad Build, Acquisition and Leasing headings from all these streams. Apart from Dublin, Cork and Kildare Local Authorities, the targets in Kerry are the next highest in the Country. The delivery of these targets will not be possible without the availability of lands suitable for Housing development. Having in place an existing Land-Portfolio meant that Kerry County Council was in a position to commence the Construction Programme early and as the Elected Members are aware, Kerry County Council has already completed a number of Projects.

Background

Kerry County Council has over a-number-of-years accumulated a Land-Bank across the County, of sites acquired for the primary purpose of the Housing Construction Programme. Some of the more historic sites have little, or in some cases, no outstanding financial liabilities attaching to them. There are other sites with significant outstanding liabilities.

In the period 2010-2012, the issue of the Land-Bank and the outstanding liabilities was discussed extensively at the then Housing & Social Support Strategic Policy Committee and at full Council. These discussions and reviews were conducted in the context of the then Land Aggregation Scheme put in place by Government in April 2010 and designed as an attempt to reduce the financial burden on Local Authorities of large Land-Banks where there was little or no prospect of short-term development for Housing purposes given the national economic and financial position at that time.

Following the consideration of the suitability of lands for inclusion in the Scheme by Council and the early close of the Scheme (at the end of 2012) only one site in Kerry was ultimately transferred to the Land Aggregation Scheme (lands at Ballyard by the former Tralee Town Council).

The information, therefore, in relation to the historic Land-Bank has been considered by Council and the associated information was and is in the public domain

since that time. The report circulated includes copies of historic reports and copies of Council Meeting minutes from that time for your information and for completeness.

In relation to the historic Land-Bank specific considerations have arisen in respect of several sites since their original purchase. In particular, the CFRAMS and the National Spatial Strategy (and resulting reduction in land zoned for Housing purposes) have had a negative impact on the development potential of some sites. Indeed, the CFRAMS in particular, has resulted in a limited number of sites being rendered currently undevelopable for Housing purposes under current Planning Guidelines and current normal construction methodologies. Those sites remain in the ownership of the Kerry County Council and will continue to be considered for future development as appropriate.

A limited number of other sites also had their zoning changed in Local Area Plans/Development Plans following the revised Guidelines of the National Spatial Strategy/National Planning Guidelines a number of years ago. However, in current reviews and revisions of such Plans these sites will be considered further.

Current Position

The report circulated details the Housing Land Bank currently available and the relevant information for each site. In addition, a number of points need to be highlighted specifically.

The legacy outstanding Land-Loans have been well documented at Budget time over the last number of years. Because of the legacy financial position, the Council has been cautious in new land acquisition in recent years. There has been no proactive Land Purchase Programme in place for well over 10 years. Despite a clear need to continue to acquire land for Housing purposes in the medium-term Kerry County Council has acquired only a very limited number of additional sites.

Kerry County Council acquired a site adjacent to the convent at Balloonagh, Tralee which is on the current Capital Construction Programme. This Project has completed the Part VIII Planning Process and the construction of 28 units is due to commence later in 2019. Apart from this site only two other sites have been purchased which while primarily for other purposes (Roads Development) may have some Housing Development potential – Land at Fenit and Land at Garryruth Tralee. The final transfer and registration of the site at Fenit is currently being completed and this site may have some limited Housing Development potential. The Garryruth site was acquired primarily to facilitate the development of the road for the New School but will facilitate the development of a small number of Housing Units at this location.

In addition to the sites considered part of the Housing Land-Bank, Kerry County Council has also a number of key Strategic Sites as follows:

- Killarney - Lewis Road and Sara Lee sites;
- Tralee - Island of Geese and Fels Point sites;

These sites are primarily commercial in nature and their strategic economic potential has been discussed on a-number-of-occasions. The development of these sites is a critical strategic aim over the coming years. They have the potential to facilitate some key economic development in our two main Towns. In respect of the Sara Lee Site and the Island of Geese Site, preliminary work or formal processes have commenced and similar process for the other sites will also follow in due course. Given the commercial nature of these sites and the competitive process that may be required for same, at this stage financial information will not be provided which could prejudice the commercial potential of these sites or prejudice any procurement or negotiation that Kerry County Council may engage in into the future. However, as the Elected Members will be aware, the disposal of lands in any manner as part of any arrangement, however structured, is a Reserved Function and, therefore, a matter for

Council and can only be done following formal resolution of the Elected Members under the established Statutory Procedures. It is intended to keep the Elected Members briefed fully on all developments in relation to these sites.

Apart from these four Strategic Sites there is one additional site which is commercial in nature and has always been considered as such – lands at Dromore Farranfore. While the Council had reached agreement for the disposal on significant commercial terms, a number of years ago, this did not conclude. The site is on the route corridor of the proposed Farranfore - Killarney N22 National Primary Project. The future use of this site (including any potential for Housing purposes) remain under review and consideration but again given the commercial nature of the site historically, the financial details are not being provided at this time.

The balance of lands has been reviewed extensively over the last 18 months, in the context of the Housing Delivery Programme to 2021. As part of this, there has been a number of Meetings with the Department of Housing, Planning and Local Government including further review and engagement in late 2018. The position on some lands/sites can change within a relatively short period of time – for example one of the sites in Tarbert which was undevelopable due to a high-power overhead transmission line has recently changed in status, as a result of the re-routing of this line in late 2018. This site is now included for development as part of the current Housing Programme, as indicated in the report the significant majority of lands in the ownership of Kerry County Council with current development potential will be used as part of our current Housing programme.

As lands are utilised and developed as part of the Housing Programme the outstanding liabilities are reduced by apportioning costs for the portion of the site developed.

Summary

As you can see from the Report, at the end of the current Housing Capital Programme the Council will have very little land available for further and future Housing construction. This clearly is a matter of some concern for the medium to long-term planning of Housing Construction Programmes. However, given the well documented position on legacy Land-Loans, she said she is cautious in the consideration of further land acquisition. Kerry County Council clearly require some lands to complete the Kerry Programme and achieve all Kerry County Council's Housing targets out to 2021, but this need must be balanced with current liabilities. This issue of legacy Land-Loans has also been raised extensively with Central Government – Kerry is not the only Local Authority to have such financial liabilities which impact on further acquisition activity. Notwithstanding this, Kerry Local Authority continue to consider all appropriate opportunities to acquire suitable lands.

The details on individual sites and holdings are attached to the report circulated. A full and detailed update on the Kerry County Council Housing Capital Programme will be provided to the Elected Members in the coming months, as would be normal each year once the notification of the 2019 Annual Targets from Government is received.

The Chief Executive said in addition to what has been set out in the report, it is important to add that we need to build up our landbank as it has not increased over recent years. She added that the existing historical landbank has been really important for delivering the current housing programme, allowing Part VIII's to proceed and many schemes to be completed. The Housing Capital Programme will allay some of the capital liabilities and the debt on the land. Every parcel of land has been assessed and continues to be assessed to determine if we can build housing on it. Where we have lands, we want to use those lands for a number of reasons. We are acquiring lands, but we do have to balance the financial risk and, in balancing, have enough land

on hand to continue the construction programme. She said she is satisfied there is a good plan in place and a good strategy to maximise the landbank.

Cllr. J.F. Flynn welcomed the report presented to the Elected Members. He asked that the Members would be provided with the date lands were acquired and the purchase price of same. Of the 46 plots listed, 17 are 'under consideration', e.g. sites in the Dingle area have no construction plans prepared for them, yet there is 450 people on the waiting list in that area. He asked how the 17 plots 'under consideration' will be developed. He asked what lands were deemed to be located in a flood plain or deemed not suitable for housing construction before the introduction of the CFRAM programme. He asked why lands at Castleinch, Listowel, were not included in the Land Aggregation Scheme when a vote had been passed to include them. The report says lands at Bridge Road and Castleinch in Listowel are currently undevelopable, he asked for clarification as to why they are undevelopable and if these lands were bought as a flood plain. He asked what plans Kerry County Council has to offload these lands, which cost €5.5m and appear to be of no use to Kerry County Council, and which could provide money for other projects. He asked if following assessment of the lands contact has been made with the Department regarding the lands in Listowel and what response has been received. He asked that staffing in the Capital Design Team be increased in order to progress more construction projects. He asked that consideration be given to public private partnerships for some developments.

Cllr. T. Ferris said she had asked for a report on lands in July 2018 in order to bring specific proposals to the Chamber when adopting the 2019 budget. The 2019 budget was adopted without this information available to the Members. She said on 16 November 2018 she submitted an FOI request which sought a list of lands, site maps, current market value, the price paid for the lands and any proposals for development of lands, a reply on which is due today. In relation to the lands under the Land Aggregation Scheme, the only land that was accepted was that at Ballyard, Tralee. The report circulated does not include information as to why the Land Aggregation Scheme did not accept other lands that were submitted. She referred to lands acquired at Fenit for the purpose of improving access, and which may have limited housing potential, and said a resolution was passed by Tralee Municipal District that O'Sullivan's Bar in Fenit Without not be demolished as part of any development. She said the Island of Geese site is an opportunity for the town of Tralee and development of this site must include a mix of amenity, commercial and residential development. She expressed disappointment that sufficient lands are not available for future construction projects in order to address the housing list and potentially make affordable sites available. Elected Members should be provided with the cost of lands when acquired and their current market value, as well as details of negotiations that are currently ongoing.

Cllr. D. Grady welcomed the report and said it is awful that while we need to purchase lands for housing, when only recently lands were dezoned. He said he had previously proposed that half the Sara Lee site in Killarney be used for housing. While acknowledging the progress with housing development in the county, it must remain a priority.

Cllr. J. Healy-Rae asked that Members be provided with the purchase price for lands acquired. Unless lands are of no benefit to the Council we should try to maximise the use of the lands we have.

Cllr. J. Finucane commended the work of Kerry County Council's design team, adding that A2 energy rated houses constructed in the Tralee regeneration area, are not available in the private market. He said the lands owned by Kerry County Council are assets of the Local Authority only if they can be utilised and it must be clarified what sites are of industrial, commercial and housing value. As the Advance Unit in Tralee is now occupied, the town has no assets ready for the IDA to exhibit to potential investors in Tralee. He said serviced sites could be identified for first time buyers and sold for non profit as they are competing with investors in the market. There is a high number of single housing applicants on the housing list, a development similar to Tobar Naofa, would be great for the Island of Geese site. He asked that the assessment of lands process continue and identify sites that are for industrial or commercial use, car parking and housing.

Cllr. M. Kennelly asked for the purchase price of the lands in Listowel, its current market value and if there is any potential for return on this investment.

Cllr. M. Cahill said the Land Aggregation Scheme came in the midst of the biggest financial crisis for the country. More land is required in towns and villages throughout the county to progress the construction programme. He moved Notice of Motion No. 24.

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

That Kerry County Council as a matter of priority, initiate a major House Building Programme to address the Housing and Homeless crisis within the County by:

1. Prioritising lands in their ownership and developing housing schemes in towns and villages throughout Kerry where there is a housing demand.
2. Purchase development lands/sites and construct housing schemes in towns, villages and parishes throughout the County where there is a housing need and
3. Initiate a scheme whereby derelict properties in our towns and villages are assessed, acquired, renovated and allocated to qualified Housing applicants.

The following reply issued:

The Council has an extensive Housing Programme. Rebuilding Ireland has established a Target of 1770 Units, for Kerry, for the period 2017-2021 under the broad Build, Acquisition and Leasing headings from all these streams. Apart from the Dublin, Cork and Kildare Local Authorities the Kerry targets are the next highest in the Country.

Apart from these specific streams the Council also has a very broad ranging and active Housing Programme in other areas and continues to be fully committed to delivering on our responsibilities and targets under the current Rebuilding Ireland Programme.

The Council has recently carried out a strategic review of its current land bank and have reviewed available lands for the purpose of the programme out to 2021. As part of this exercise we have met with Department officials to review land availability. It is anticipated that the construction programme out to 2021 will utilise all current available lands which are in areas of need, appropriately zoned, serviced and without other constraints preventing from being developed for social housing purposes. The land bank details are on today's Agenda under a specific Agenda Item.

Given the limited lands available for further development therefore, further land availability for housing purposes is currently being reviewed. However, this has to be balanced against the current land loans being carried by the Council and risks associated with further land purchase.

One of the strategic objectives of the Government's Rebuilding Ireland Plan is the greater use / re-use of vacant homes and properties. This is a complex area with a multitude of differing data sets and statistics on vacancy rates – GeoView / Geo

Directory, CSO / Census etc. In addition, properties may be vacant and not in use for a multitude of varying reasons (holiday / second home, owners temporarily away or in residential care, derelict / poor condition or indeed where there are title or legal issues preventing occupation), there are also the fundamental individual property rights to consider.

As part of the national programme, a number of pilots are currently underway to carry out an extensive on the ground exercise to validate current vacant rate data. Preliminary information and work done by a number of other Local Authorities seems to suggest that the true vacancy rate for properties reasonably available with potential for re-use, is significantly lower than CSO or other data.

However, further and more extensive work is required in this area and indeed in Kerry specifically. This work will require fundamental surveys on the ground and the development of detailed plans under a Vacant Home Action Plan. Kerry County Council is currently developing a Vacant Home Action Plan. On completion of the action plan and the establishment of the real vacancy level in the County, Kerry County Council will focus on a systematic engagement with the owners of vacant properties. This engagement will include options open to the owners under the various Government initiatives such as repair and lease, sale, lease of the property etc. Where there is no prospect of progress, all alternatives will be considered including pursuing options under Derelict Sites legislation and Compulsory Powers. All such decisions will be made following careful consideration on cost, location and suitability.

The Council is aware of and familiar with a number of pilots in this area and in particular, work done by Louth County Council in the use of and delivery of a limited number of units through the CPO process.

Kerry County Council currently maintains a Derelict Sites Register for the County under the provisions of the Derelict sites Act 1990. There is provision in the legislation for a Derelict Site to be acquired compulsorily or by agreement. Not all vacant properties in the County would meet the definition of a derelict site and therefore could not be put on the Register. We are currently looking at a small number of properties to assess and acquire in this manner.

In addition, going forward, it is our intention to consider any suitable properties for action under CPO procedures.

Under Town & Village Renewal Scheme 2018, Kerry Co Co in conjunction with Killorglin Chamber Alliance was successful in securing funding for a project that sets out to address the unoccupied and derelict properties that exist in the town. In the town centre alone, there are 14 unoccupied buildings. Property Owners' cooperation is key to the success of this project. Stakeholders must plan together i.e. KCC, planners, premises owners and locals to identify what type of retail might work, what the residential potential is, and how it is possible to bring more people back into the town centre to live? The project encompasses a:

- Study on the usage of vacant properties.
- Painting Scheme for one street.
- Social Space/Public Realm plan for the Town Centre.

It is the intention of Management to come back to Council with an update on our programme later in Quarter 1 2019.

Cllr. M. Cahill asked that Kerry County Council would also consider the provision of an Alzheimer's Park and revert to him regarding same.

Cllr. N. Moriarty said this is a very informative report. Housing and its impact on the socio-economic balance of an area is very important in the long term future of many areas of the county.

Cllr. J. Lucid asked that the lands at Bridge Road and Castleinch in Listowel be examined to determine if there is any potential for development.

Cllr. A. Thornton asked that the potential development for lands in Listowel be considered at a Listowel Municipal District meeting.

Cllr. M. O'Shea said the Land Aggregation Scheme was a means of alleviating pressure on the Local Authority budget. It must also be understood that at the time many of those lands were purchased land was expensive and the Local Authority had to match private investors. He asked that the construction programme be strengthened in areas that are under pressure, e.g. Dingle, and that the needs of single and elderly housing applicants be considered within housing construction design. He asked that the approach to construction of housing in built up areas be changed and consider multi-storey apartments. He moved Notice of Motion No. 4.

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

To ask that Kerry County Council erect multi rise apartment accommodation in towns across this County where the housing waiting lists are out of control and the availability of land is restricted and posing serious problems.

The following reply issued:

While the development of apartment blocks will provide a greater number of units on smaller land parcels they must be considered in the context of development plan provisions, permitted densities, adjacent properties and the existing development pattern in the vicinity. In addition future management and maintenance considerations form part of the initial design scoping of all projects.

As part of our current programmes opportunities for such developments are considered.

Kerry County Council are currently progressing a number of such developments in their projects throughout the County in Tralee, Killarney and Ardfert and will continue to incorporate apartment units into future developments in appropriate locations. In addition projects currently being pursued in Partnership with Approved Housing Bodies do incorporate an element of apartment provision.

Cllr. M. Healy-Rae said the landbank has provided the opportunity for a Part 8 to be agreed by Killarney Municipal District this morning in relation to a housing development in Rathmore. She asked if the 9 acres at Deerpark will be used for housing. She asked for an update on lands at St. Finan's, Killarney.

Cllr. N. Kelleher welcomed the report and that the landbank provided an opportunity for a Part 8 to be agreed by Killarney Municipal District in relation to a housing development in Rathmore. He said the landbank has lands that are developable and not developable and staff must be recruited to realise the full potential of the lands. He asked that the purchase price for lands be made available to the Elected Members.

Cllr. M. Gleeson welcomed the report and said housing is an issue that is far greater than what is presented here, and called on Government to adopt a sensible solution to housing, allowing for social community and social dignity to evolve.

Cllr. B. Cronin welcomed the information provided and asked if management will take full responsibility for what lands bought that are undevelopable. He asked for clarity regarding lands in Listowel, i.e. is it a flood plain or is it affected by CFRAM. The landbank must be an asset to the Local Authority and its full potential for housing developed to help people on the housing waiting list. He asked if a solution has been found to access lands that were landlocked in Killarney.

Cllr. J.J. Culloty thanked management for the lands report and said the decision to submit lands under the Land Aggregation Scheme was the correct decision at that particular time based on the information that was to hand.

Cllr. J. Moloney supported comments of the Elected Members in relation to lands at Listowel and supported the request for this matter to be discussed at a Listowel Municipal District meeting.

The Chief Executive said where it is available, the original purchase price for lands will be provided to the Elected Members. We have an interest only repayment on land loans, own resources and roads funding has not decreased. Much of the landbank is historic with a few additions in recent years that have helped the housing construction programme. In relation to lands at Dingle, the Core Strategy was developed subsequent to the purchase of those lands and the National Spatial Strategy came into place which required Councils to reduce their zoned lands. The review of Local Area Plans presents an opportunity to review the zoning of lands under proper planning delivery, to consider them for development purposes and to possibly change zonings. With regard to Castleinch, the Core Strategy and CFRAM programme have impacted on our ability to develop these lands. A due diligence process is gone through when purchasing lands. While these lands have not formed part of the housing construction programme, an assessment has commenced to determine if any portion of the lands can be developed. A report on the outcome of this assessment will be brought to Listowel Municipal District. In relation to affordable sites, it would be very important on a lot of our lands that we would a mix of tenure. Serviced sites will be reviewed to determine if an affordable sites scheme can be developed. As referred to in the report, serious consideration is being given to commercial sites and this will be followed up. The landbank has been discussed with the Department and at many different fora. It must be noted that we do not need to acquire targets for 2021 and beyond. Lands acquired in Tralee and Killarney are attractive as we can proceed with the development of these lands. It is in our interest to build on our lands within the landbank as it reduces the costs on the land. Kerry County Council works very closely with the voluntary housing bodies and once housing is provided it is important that we maximise that working relationship. Discussions are ongoing with the HSE regarding St. Finan's, Killarney. In relation to strengthening the housing team, we have a very strong team and we are seen nationally as one of the Local Authorities that has started its construction programme early, the landbank has helped in this regard. There are some elements of the housing programme which are under consideration in terms of being reviewed in the context of the Local Area Plans and those lands may be developed in the future.

21.1.19.10 Summary of proceedings at events

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

- (a) AILG In-Service Training on Module 3 "Irish Water and a Single Public Water Utility - A Briefing for Elected Members" held in Killarney on 19 June 2018 by Cllr. T. Ferris.
- (b) AILG In-Service Training on Module 5 "LA Finance and Budgeting - Gratuity Scheme" held in Limerick on 18 October 2018 by Cllr. J. Sheahan.

21.1.19.11 Approval for the Opening of Tenders

- a) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of tenders for Framework for Minor Pavement Maintenance Works on National Road Schemes – Closing Date: 22 January 2019 at 4.00 p.m.
- b) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for N70 Killorglin Town & N70 Tinnahally to Stealroe Pavement Improvement Project for Technical Consultancy Services – Closing Date: 14 January 2019 at 12.00 p.m.
- c) On the PROPOSAL of Cllr. S. Locke, SECONDED by Cllr. N. Kelleher, it was agreed to approve the opening of tenders for Services Contract for the operation of the café at the Tralee Bay Wetlands Centre - Closing Date: 15 February 2019 at 3.00 p.m.

Emergency Motion

Cllr. D. Quigg moved the following Emergency Motion.

“That this County Council shall support this motion and write a letter to the relevant HSE officials requesting an outreach X-Ray service for Ospidéal Pobal Chorca Dhuibhne (West Kerry Community Hospital). Parts of West Kerry are over 40 miles from Tralee Hospital A&E where the vast majority have to attend. At present unless they can afford to pay private for X-Ray in Tralee they will have to wait for a very lengthy period of time for a service which could be available locally especially as west kerry’s Community Hospital is under-utilised at present.”

Cllr. T. Ferris SECONDED this motion.

Emergency Motion

Cllr. J.F. Flynn and the Fianna Fáil Party moved the following Emergency Motion.

“That Kerry County Council write to Minister Simon Harris to ensure that during his visit to Kerry on Wednesday, 30 January, that he meet with the families or their representatives involved in the “scan scandals” at University Hospital Kerry.”

Cllr. T. Ferris SECONDED this motion.

Emergency Motion

Cllr. N. Kelleher moved the following Emergency Motion.

“That this Council ensure all trees and vegetation on the river bank in the Flesk River is cleared to ensure the river is kept clear for years to come.

Cllr. J.J. Culloty SECONDED this motion.

21.1.19.12 Notices of Motion

1. Dale Rathscannell Road

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

Is there any update re the R556 Dale Rathscannell Road.

The following reply issued:

The project appraisal report for the R556 Ballinclogher to Rathscannell road project was submitted to the Department of Transport Tourism & Sport in August. Kerry County Council has no further update from the Department at this point in time.

Cllr. A. Thornton said this is an unacceptable piece of our infrastructure in Kerry. She said she took a delegation to meet the Minister for Transport, Tourism and Sport before Christmas. She asked if an assessment could be done again and a one-way option, with lights, be considered by Kerry County Council. If funding is granted for design, consideration needs to be given as to what is to be done with this road.

Cllr. R. Beasley moved Notice of Motion No. 11.

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

What is the update in relation to the Rathscannell – Ballinclogher Road

The following reply issued:

The project appraisal report for the R556 Ballinclogher to Rathscannell road project was submitted to the Department of Transport Tourism & Sport in August. Kerry County Council has no further update from the Department at this point in time.

Cllr. R. Beasley said this road continues to deteriorate, which is unacceptable as it is a main artery to North Kerry. He asked that everything possible be done to included on the funding list for 2020.

2. Public Transport for Pensioners of all EU Countries

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

That pensioners of all EU Countries would be entitled to travel for half price on all public transport in Ireland.

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

Cllr. M. Gleeson said we are hearing much about degrees of disunity within the E.U. and of efforts to diminish its efficacy and his proposal is one that would help advance friendship and harmony among people from different countries. It would present a very good image of our own country and of our respect for our fellow members of the E.U. It would most certainly boost tourism and it should increase the income of Iarnród Éireann and Bus Éireann.

Cllr. P. Connor-Scarteen SECONDED this motion.

3. Property Marking Machine

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

That Kerry County Council in conjunction with the Joint Policing Committee (JPC) acquire a property marking machine for the people of Kerry that will assist An Garda Síochána in the return of stolen property that has been recovered and act as a deterrent for potential thefts when the scheme is advertised. This facility has proved to be a great success in other counties such as Sligo, etc., where it has already been introduced.

The following reply issued:

This matter, in the first instance can be referred to the Crime Prevention Sub-Committee of the JPC.

Cllr. M. Cahill said the property marking machine helps in the return of stolen property to its rightful owner.

Cllr. D. Grady SECONDED this motion.

5. Speed Reduction Indicator Lights approaching Schools & Villages

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

Following on from the Speed Limit Review, when will speed reduction indicator lights be installed approaching schools and villages.

The following reply issued:

Any amendments to signage, following the adoption of the Special Speed Limit Bye-laws, will be carried out as soon as possible, and members will be advised of the timeframe. The signage will be in accordance with statutory requirements.

All rural schools, located outside the urban speed limit, have flashing warning lights installed on the approach roads, which were funded under a number of CLÁR programmes.

A limited number of speed reduction indicator lights were also installed with funding from CLÁR and through Councillors Allocations. Given the significant costs involved and level of funding available, these were installed at locations where there were particular safety concerns with recorded traffic speeds, and local constraints.

Cllr. P. Connor-Scarteen said these lights are effective and he asked that the installation of same be prioritised.

Cllr. J. Finucane SECONDED this motion.

6. United Nations Convention on the Rights of Persons with Disabilities

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

That Kerry County Council recognises that Ireland ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) earlier this year and pledges to ask that its policies and practices be implemented to reflect the sentiments and purpose of the convention to better enable people with disabilities to live equal, engaged and fulfilled lives within their communities. Kerry County Council urges the government to begin implementing the changes required for Ireland to live up to its ratification of the UNCRPD.

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

Cathaoirleach N. Foley SECONDED this motion.

7. On-line Tax for Transactions

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

That this Council call on the Minister for Finance to introduce an on-line tax for transactions and the proceeds from this tax be put toward utilities to enhance and develop town centres.

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

Cllr. J. Finucane said the landscape of retail is changing with on-line purchases increasing and having a transforming effect on our towns.

Cllr. D. Grady SECONDED this motion.

8. Annual Retention Fee for Nurses

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

To call on the Minister for Health to wavier the Annual Retention Fee of €100 being charged to Nurses as this is not attractive at a time when we are trying to recruit much needed nursing staff to our hospitals.

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

Cllr. J.F. Flynn asked that this authority would endorse the nurses on their upcoming industrial campaign.

Cllr. T. Ferris SECONDED this motion.

9. Tax Allowance Scheme to Parents of Third Level Students

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

That we write to the Ministers for Finance and Education seeking an extension and improvement of the Tax Allowance Scheme applied to parents of third level students. Currently the family receives no allowance for the first child. There is an allowance for the second child, and so on. This would go some way toward alleviating the prohibitively costly nature of third level on rurally based families in particular.

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

Cllr. N. Moriarty said the cost of third level education on families is significant and one measure that could be taken is to improve the Tax Allowance Scheme.

Cllr. J. Lucid SECONDED this motion.

10. Breathalysers for Motorists

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

To ask Kerry County Council to write to the relevant Minister to ask that Alcohol Testers be made freely available to motorists.

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

Cllr. M. Healy-Rae SECONDED this motion.

12. Probationary period for new Local Authority Tenants

Cllr. T. Ferris moved Notice of Motion No. 12 on behalf of Cllr. T. Barry.

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

Is there a probationary period in place for new local authority tenants

The following reply issued:

There is no probationary period for new Local Authority tenants nor is one allowable under current tenancy policies/procedures and indeed statutory provisions in this area.

New Local Authority tenants are met and go through an induction and full briefing regarding their responsibilities as tenants prior to their tenancy agreement

being signed. The tenants handbook, outlining the tenants responsibilities, is given with all new tenancies by our Tenancy Management Team.

In accordance with the Kerry County Council Anti-Social Behaviour Policy, as part of the allocations process all prospective tenants are subject to a Garda clearance check in advance of an offer of social housing from Kerry County Council, the results of which form part of the decision making process prior to allocation.

13. N69 from Coolnaleen Cross to Mountcoal

Cllr. J. Finucane moved Notice of Motion No. 13 on behalf of Cllr. M. Kennelly.

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

Can Kerry County Council give a complete detailed account of works to be completed on the N69 from Coolnaleen Cross to Mountcoal.

The following reply issued:

The N69 Coolnaleen to Mountcoal Road Project is a 3.8km Pavement Improvement Scheme, for which the design was commenced in 2018.

As is normal procedure, where sections of the national road network are prioritized for improvement, the proposed works are scoped in a Pavement Asset Repair and Renewal (PARR) report. This report identifies the potential causes of a road pavement failure, the extent of the works required and an estimated cost for same. The PARR report for this scheme was submitted to the TII and the scheme was approved in October 2018, thereby allowing for the preparation of the Tender Documentation.

The tender documents for the scheme are nearing completion and will be published in February 2019, subject to the approval of the TII. The TII have confirmed that a grant of €1.65 m is being provided for the completion of these works this year.

It is intended to have a Contractor appointed for this scheme in Q2 of 2019.

14. Appointment of Driving Examiners

Cllr. J. Finucane moved Notice of Motion No. 14 on behalf of Cllr. J. Sheahan.

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

To ask Kerry County Council to write to Shane Ross, Minister for Transport, Tourism & Sport to ensure that additional Driving Examiners are appointed to deal with the current high demand for Driving Tests as a result of the strict enforcement & severe penalties incurred for L drivers driving unaccompanied.

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

Cllr. P. Connor-Scarteen SECONDED this motion.

15. Hereditary Hemochromatosis

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

As Ireland has the highest prevalence of hereditary hemochromatosis in the world, and it remains undiagnosed in many people, that this Council call on the Minister for Health and the HSE, to begin a campaign to highlight the symptoms of this condition.

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

Cllr. J.J. Culloty said this is an important message that must be issued.

Cllr. M. Gleeson SECONDED this motion.

16. Building houses above the level of the public road

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

To ask Kerry County Council and specifically the Planning Section to ensure that planning applicants build their houses above the level of the public road and certainly not in low ground where houses could be prone to flooding.

The following reply issued:

It is the policy of Kerry County Council that the protection of the rural landscape is of critical importance and Objective ZL-1 of the Kerry County Development Plan 2015-2021 (KCDP) states that;

‘It is an objective of the Council to protect the landscape of the county as a major economic asset and an invaluable amenity which contributes to the quality of peoples lives’.

In relation to Rural Housing, Objective RS-2 of the KCDP states that ‘It is an objective of the Council to require the design of rural housing to have regard to ‘Building a House in Rural Kerry; Design Guidelines’. In addition, objective RS-4 states that;

‘It is an objective of the Council to ensure that the provision of rural housing will protect the landscape, the natural and built heritage, the economic assets and the environment of the County’.

In assessing planning applications for houses in the rural landscape, the siting of the house is critical when considering its visual impact. According to the ‘Building a House in Rural Kerry; Design Guidelines’, the following issues must be considered in order to successfully integrate a dwelling into landscape:

- (a) Choosing a sheltered site,
- (b) Avoid elevated and exposed locations,
- (c) Avoid breaking the skyline or locating between the road and areas of natural beauty such as the sea, lakes and rivers,
- (d) Topography: Work with the contours of the site.

The proposal that applicants construct a dwelling above the level of the public road particularly where the land falls away from the road would:

- (a) Lead to issues with integration of the house into the landscape,
- (b) Result in visual inconsistencies with adjacent developments,
- (c) Impact on the residential amenity of adjacent properties,
- (d) Force additional expense on house builders due to costs of extra site trunking and extra blockwork below floor level and extra costs in construction of ramps and steps required to access the house.

In relation to flooding, all planning applications are assessed having regard to the Departmental Guidelines; The Planning System and Flood Risk Management. In accordance with these guidelines permission for residential development in flood risk areas will not be granted.

Cllr. B. Cronin **SECONDED** this motion.

17. Audit regarding Disposal of Household Waste

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

To ask that Kerry County Council put a process in place to carry out a County wide audit of households to establish how they dispose of their household waste.

The following reply issued:

The resources required both to carry out a countywide survey as suggested and to follow up on any issues identified from such a survey would be considerable. As Councillors are aware we are currently in a consultation process for the development of waste bye-laws and these will include a requirement on householders to maintain proof of where they dispose of their waste. In that context, it is intended that we would have a targeted approach in areas which are prone to significant illegal dumping thereafter.

Cllr. J. Lucid said a targeted approach taken in specific areas would be welcome.

Cllr. D. Grady SECONDED this motion.

18. Broadband Service in the County

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

To ask Kerry County Council what is the present situation regarding Broadband Service in the County and to clarify on whether there is a limit set on the distance from the fibre line at the road to a house or business.

The following reply issued:

For an individual customer connection householders should contact the service provider to ascertain whether their property can be connected and the cost of that connection. For Eir fibre connections there is a limit of 50 m on overhead connections in place. Outside of this distance additional poles maybe required.

A comprehensive report on the roll out of broadband was given to members recently setting out the percentage of the properties in the county that are currently covered by broadband. The situation is as follows.

The Eir fibre roll out is continuing in Kerry. The most up to date figures available are up to the end of September 2018. At that point a total 53,464 properties in Kerry have access to high speed broadband in the County (60 % of all properties). The Eir fibre roll out to be completed by mid 2019 at which point 68% of properties will be covered. Locally based Kerry Internet Service companies continue to provide a valued services and continue to expand their services to include both wireless and fibre solutions throughout the County. Coverage details are available from each service provider on their web sites. Further progress of broadband availability in the county to the remaining 32% or 28,000 is dependent on the rollout of the National Broadband Plan.

Cllr. D. Grady said some businesses are unable to access the fibre line.

The Chief Executive asked that the individual businesses would make direct contact with Kerry County Council's Broadband Officer.

19. Charges for Water & Sewerage Connections

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

To outline the financial changes being proposed by Irish Water for a member of the public to get (a) the standard domestic water connection and (b) public sewerage connection and to specify any increase/decrease in costs involved.

The following reply issued:

On the 18th December 2018 the Commission for Regulation of Utilities (CRU), following a period of public consultation , issued a decision paper on the Connection Charging Policy for Irish Water and approved a list of new national connection charges which

will be implemented on 1st April 2019. These new charges represent, for the first time, a national approach to the setting of charges which up till now had been historically set by local authorities across the country, prior to the establishment of Irish Water in 2013.

The purpose of establishing a national connection charging policy is to generate a more harmonised and straightforward means of charging Irish Water customers for connections to the public networks. Current connection charges in Kerry are based on those that applied on 31st December 2013 and these charges differ across the 3 former Town Council areas and the County area. These differing connection charges will now be replaced by the national charges, where customers are charged the same regardless of location, as approved by the CRU.

A domestic connection to Irish Water network will cost €2,272 for water and €3,929 for wastewater. Customers will be categorised based on the pipe diameter(size) of the water/wastewater pipe needed to serve them thus moving away from the floor space model used by Local Authorities.

Current Connection Charges				
Category	Kerry Co. Co.: Fee + Devp Levy	Former Listowel T.C.: Fee + Devp Levy	Former Tralee T.C. : Fee + Devp Levy	Former Killarney T.C. : Fee + Devp Levy
Domestic (1 unit) - Water	€900 plus €12 per Sq m	€900 plus €1,500 + €12.50 Sq m in excess of 120 Sq m	€900 plus €1,438.95	€900 plus €1.50 per Sq m
Domestic (1 unit) - Wastewater	€1,910 plus €38 per Sq m	€1,910 plus €4,500 + €38 Sq m in excess of 120 Sq m	€1,910 plus €1,438.95	€1,910 plus €1.50 per Sq m

We have carried out a preliminary assessment of the charges for both water and waste water connections under the new regime approved by the CRU.

A set of tables was circulated setting out the comparative charges for development in Kerry which in the main will show a reduction in charges.

Cllr. B. Cronin asked that the reply to this notice of motion be circulated to all Elected Members. He said the levy in Killarney was previously very low.

Mr. J. Breen, Director of Service, said Irish Water are being asked to communicate the change in the charges to customers.

Cllr. M. Gleeson SECONDED this motion.

20. Charges imposed by Car Rental Companies

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

That this Council would write to Minister for Tourism about the increasing difficulties tourists are having with Car Rental Companies and reckless charges that are often forced on them for minor mishaps.

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

Cllr. M. Healy-Rae SECONDED this motion.

21. Gael Scoil Lios Tuathail

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

That this Council supports demands for a permanent home for Gael Scoil Lios Tuathail.

The following reply issued:

Kerry County Council received a request in early 2018 regarding the availability of suitable lands in the ownership of Kerry County Council in Listowel Town for the development of a new Gaelscoil, however the lands in our ownership were not suitable.

The Council have continued to engage with the Board of Management in relation to this matter and will be available to give advice on site suitability from a planning perspective.

Cllr. T. Ferris teachers in this school have been teaching in prefabs for 25 years and given that Irish is the first language of this state this situation is a shame on the Department and this county. She said it must be on record that Kerry County Council supports a permanent home for this school.

Cllr. M. Gleeson SECONDED this motion.

22. Dedicated Cycle Lanes

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

That the Council and the TII would seek to develop dedicated Cycle Lanes on all of our existing National Primary and Secondary Roads. Being cyclist friendly is essential for the growth of that ever-expanding aspect of tourism.

The following reply issued:

Current TII policy is that cycle facilities shall be provided on all new road schemes on the National Network. Where new roads are being constructed off line from the existing route, the use of the old road may be considered. In consultation with the TII, Kerry County Council develops realignment schemes on the National Network, in accordance with this policy, with the recently opened N86 section at Lispole and Camp being an example.

In addition, the TII Road Safety Section funds cycle facilities on existing National Roads in the interest of road safety, on sections where a need has been identified. Kerry County Council have developed a number of such schemes throughout the county, under this funding programme.

Cllr. M. Gleeson said 25 years ago it was said to him that the fastest growing sport in Europe is cycling and we should be getting ready to share in its visitor potential. However, little or nothing has been to facilitate and develop either cycling or walking. Cyclists do not have the safety and welcome of a dedicated cycle lane on the national primary road into Killarney, a major tourist town, and the county. If we as a country are serious about tourism in an ever more competitive market then we must have facilities that are of the very best for tourists that will maximise their happy recollections as our spokespersons on their return home.

Cllr. J.J. Culloty SECONDED this motion.

25. Central Bank & Commercial Banks

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

That this Council calls on the Government of the Central Bank to explain why Statutory Bodies are charged to have public monies on deposit. Also, to explain why Commercial Banks are not lending to small and medium builders and in so doing are contributing to the housing crisis. If this proposal is not accepted, that these issues be referred to the Public Accounts Committee.

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

Cllr. J. Finucane said the Central Bank must be challenged on why they are charging statutory bodies to have public monies on deposit and to explain why Commercial Banks are not lending to small and medium builders.

Cllr. J. Healy-Rae SECONDED this motion.

**26. South & West MD Community Support Grant
Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:**

To ask that the Budget for the South & West Municipal District regarding the Community Support Grant, be immediately increased due to the high volume of applications seeking funding from the Municipal District area. Can an update be given on the volume of applications be given.

The following reply issued:

The 2019 Budget was considered and adopted by Members on 12th November 2018. This reflects the Draft Budgetary Plan for the South and West Municipal District which includes the adopted allocation for the General Municipal Allocation-Community Support Fund.

The Community Support Fund represents a meaningful discretionary fund for allocation by Members in accordance with the priorities of the District, optimises grant opportunities and provides maximum flexibility to meet the operation and economic and community development needs of the area for the coming year

Cllr. M. O'Shea PROPOSED that the Strategic Fund be reduced to €55,000 and the South & West Municipal District Community Support Fund be increased.

Cllr. J.F. Flynn SECONDED this proposal.

Ms. A. McAllen, Head of Finance, said that decision was taken at budget time and it is part of a process which ran from September to November 2018. The Municipal District Fund is dealt with at Municipal District level. At each Municipal District meeting the amount of the Community Support Fund and the allocation for the Strategic Fund and Urban Fund for Tralee, Killarney and Listowel, and General Fund was decided at that time. The Strategic Fund, in particular for the South & West, has shown benefits in attracting multiples of funding by way of grant funding. Commitments are made on the basis of the Strategic Fund. A change in the budget allocation would mean some of the national grants would have to fall as commitments were given on the basis of the adopted budgets.

The Chief Executive said she would refer this to the South & West Municipal District Manager and if a strategic project, where a commitment has already been given, were not to go ahead consideration may be given to re-allocating funding.

**27. Subsidy for Hackneys and Taxis in rural Ireland
Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:**

To ask Kerry County Council to ask the relevant authorities to make a subsidy available for Hackney and Taxis that operate in rural Ireland.

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

Cllr. D. McCarthy said hackneys and taxis have an important role to play in rural Ireland and should be subsidised.

Cllr. M. Cahill SECONDED this motion.

28. Top Up Funding to the Kerry LEADER Fund

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

That immediate top up funding be allocated to the LEADER fund in Kerry to cater for the many excellent projects that are ready to go but are now stymied due to the effects of the cut in funding from last programme to this current one.

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

Cllr. N. Moriarty said 2 themes under the LEADER fund will run out of funding. We do not want to divert funding from other themes, rather that the Kerry LEADER fund would receive a top up.

Cllr. D. McCarthy SECONDED this motion.

29. Courthouses in Kerry

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

That Kerry County Council call upon the Minister for Justice & Equality, Charlie Flannagan, T.D to improve existing Courthouses throughout the County and to build a new fit for purpose Courthouse in the County Town of Tralee.

Cllr. J. Finucane SECONDED this motion.

Cllr. T. Ferris said she is opposed to the construction of a new Courthouse in Tralee, adding that the existing building could be adapted for purpose.

30. Chronic Kidney Disease

Cllr. J. Finucane moved Notice of Motion No. 30 on behalf of Cllr. J. Sheahan.

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

To ask Kerry County Council to write to Simon Harris, Minister for Health to recognise Chronic Kidney Disease as a Long Term Illness as persons suffering are being denied services & entitlements to which they deserve.

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

Cllr. P. Connor-Scarteen SECONDED this motion.

31. Central Government Funding

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

To ask this Council to state the level of funding received from Central Government in 2014, and compare this to 2018.

The following reply issued:

Grant funding is received by this Council, for both general and specific purposes and to fund programmes and activities for Revenue and Capital related expenditure.

In relation to the Revenue Programme, income from Grants and Subsidies, per Appendix 3 of the Annual Financial Statement, shows that the Council received a total of €34,071,453 under this heading in 2017, €11,272,746 related to Housing Grants and

Subsidies from the Department of Housing Planning and Local Government, €16,334,825 related to Roads Grants, €1,659,914 relates to the SICAP Programme, €790,936 relates to the Local Enterprise Office, €678,766 relates to Group Water Schemes, miscellaneous income and recoupments across the range of services make up the balance.

In 2014 a total of €34,498,732 was received by the Council as Revenue Income from Grants and Subsidies, of this €2,114,088 relates to Higher Education Grants, this service has since been centralised nationally (€24,686 was received in 2017 as Income for Higher Education Grants). €9,246,011 relates to Housing Grants and subsidies, €17,651,245 relates to Roads Grants, €771,904 relates to Local Enterprise Office and €862,533 relate to Water Group Schemes.

In addition, in 2017, the Council received Grants in relation to the Councils Capital Programme of €41,090,821, €13.94mn relates to Housing and Building Capital Projects, €22.7mn relates to the Roads Transportation and Safety Capital Programme and €2.2 mn relates to Recreation and Amenity Projects.

In 2014, Grants relating to expenditure across the Council's Capital Programme was €14,917,516, €3.04 mn related to Housing and Building, €10.35 mn related to Roads Transportation and Safety Capital Programmes

Cllr. J.J. Culloty thanked the Head of Finance for the response and said the roads of the county are reflective of the allocations. The allocations for roads must be improved.

32. Masterplan for the Áras Phádraig Site, Killarney

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

To request confirmation that this Council will, in the Development Plan and assessment of Áras Phádraig and adjoining Lewis Road Car Park site, progress the provision of a multi-storey car park to alleviate the chronic need for further parking in Killarney and what is the time frame for this process.

The following reply issued:

The Council secured funding, under the Urban Regeneration Development Fund to prepare a masterplan for the Aras Phádraig site and the adjoining Lewis Road car park. A project team has been established to develop the masterplan, which will be completed in 2019. This masterplan will consider options for the development of the overall site, including for the provision of a multi storey car park.

The construction works for the Rock road car park is currently underway and this car park/bus park will be completed by the end of May. This will provide approximately 190 additional car parking spaces on Rock road and Lewis road which represents a 10% increase in the total number of public car parking spaces available in the town.

34. Group Water Schemes

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

How many Group Water Schemes are left to be taken over in the County.

The following reply issued:

There is a total of 270 Group Water Supply Schemes in Kerry, 128 of which are served by public water supplies.

A total of 70 Group Schemes have applied for takeover, 62 of which are served by public water supplies.

Cllr. J. Healy-Rae requested that priority be given to the 62 applications on hand which are served by public water supplies.

Cllr. M. Healy-Rae SECONDED this motion.

35. Planning Enforcement

Cllr. J. Finucane moved Notice of Motion No. 35 on behalf of Cllr. M. Kennelly.

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

Can Kerry County Council review their Enforcement Laws in relation to Planning within Kerry County Council.

The following reply issued:

The legislation pertaining to Planning Enforcement is covered under Part VIII of the Planning and Development Acts 2000 - 2018. Kerry County Council do not have the power to amend this legislation, but our role is to ensure that it is enforced effectively where necessary. The statutory process is set out in the legislation which entails the issuing of Warning Letters, Enforcement Notices and Court Proceedings where required.

Activity levels in this area remain constant with a significant number of new complaints being received and processed on an annual basis. The following is a summary of the Enforcement Activity Levels for 2018:

Number of New Complaints Received	276
Warning Letters Served.....	182
Enforcement Notices Served.....	59
Files referred to initiate Legal Proceedings.....	12
Number of Files Closed.....	348
Number of Open Files at Year End.....	465

Even though a large number of complaints were received in 2018, effective management of the process resulted in 348 files being closed during the year. The number of files open at year end has also reduced. There has been a 13% reduction on the 2017-year end figure of 534.

A strong culture of enforcement is critical to ensure that all the goals and objectives of the planning function work to a high standard and for the benefit of the whole community. Where there are significant and real cases of non-compliance the full rigours of the law are applied by the Enforcement Unit to ensure that the integrity of the planning system is maintained.

36. Treatment Plants in Kerry

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

Were there any dates in the past 3 years that Treatment Plants in Kerry were not working.

The following reply issued:

Irish Water is the National Utility responsible for the production, distribution and monitoring of drinking water from over 69 public water supplies in County Kerry. Irish water has an obligation to comply with the requirements of the current drinking water regulations and in turn these regulations provide the EPA with Supervisory Powers for these public supplies. The current Drinking Water Regulations came into force in 2014 and were amended in 2017.

Irish Water is also responsible for the provision and development of waste water services, including the collection, treatment and discharge of urban waste water. In Kerry there are 52 Waste Water Treatment facilities in Kerry.

The Environmental Protection Agency (EPA) is the environmental regulator responsible for the authorisation of urban waste water discharges under the Waste Water (Authorisation) Regulations 2007. Irish Water has an obligation to comply with the requirements of all EPA waste water discharge authorisations and the Urban Waste Water Directive for these installations.

Kerry County Council operate these Water and Waste Water treatment plants on behalf of Irish Water.

The Environmental Protection Agency produces an annual Public Supply Drinking Water Report, which provide an overview of the quality of drinking water in public supplies. The reports are based on the assessment of monitoring results reported to the EPA by Irish Water. The main parameters by which the quality of drinking water is gauged is microbiological and chemical. The results published by the EPA for the plants in Kerry since 2015 are set out below.

Year	Microbiological Compliance		Chemical Compliance	
	Kerry	National	Kerry	National
2015	100 %	99.9 %	98.7 %	99.4 %
2016	99.4 %	99.9 %	99.8 %	99.4 %
2017	100 %	99.9 %	99.1 %	99.5 %

Microbiological parameters are the most important health indicators of drinking water quality and compliance in Kerry is extremely high and is generally at full compliance. Chemical compliance is also high and with the new state of the art plant in operation at Lough Guitane, the compliance rate will now increase.

The Environmental Protection Agency produces an annual Waste Water Treatment report, which provides an overview of Urban Waste Water Treatment in Ireland and includes an assessment of effluent quality against National and European Standards. It is based on the EPAs assessment of monitoring information supplied by Irish Water and on the enforcement activities carried out by the EPA.

As outlined in the EPA reports of 2015, 2016 and 2017 Kerry's Treatment Plants serving the larger urban areas of the County are in compliance with the Urban Waste Water directive. Tralee which is meeting the effluent quality standards, has more stringent treatment requirements for nutrient removal which is not being fully complied with.

Through Irish Water, Consulting Engineers Ove Arup Ltd has been appointed for the preparation of a Drainage Area Plan for the Tralee Agglomeration, which will examine all aspects of the Tralee Agglomeration and recommend proposals which will help to improve the performance of the wastewater network, protect the environment and facilitate social and economic development over the coming years.

Cllr. Ferris asked for clarification regarding the transfer of leachate from the landfill to a waste water treatment plant.

Mr. J. Breen, Director of Service, said there is no issue arising from the transfer of leachate from the landfill to a waste water treatment plant. The main issue is arising from combined sewers.

21.1.19.13 Correspondence – Conferences and Seminars

- a) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllr. B. O’Connell at the IPPB Conference on the theme “Local Elections 2019” to be held in Letterkenny, Co. Donegal, from 15-17 February 2019.

Cllr. B. O’Connell was nominated to report back to Council on this Conference

- b) No members expressed interest in attending the Colmcille Winter School 2019 Conference on the theme “Difficult Political Decisions” to be held in Churchill, Co. Donegal, from 22-23 February 2019.

- c) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. J. Healy-Rae, it was agreed to authorise the attendance of all members at the following events to be held in 2019:

- i. AILG Training Events
- ii. AILG Conferences
- iii. LAMA Seminars
- iv. IPI Conference/Seminars/Training Events
- v. RIAI Conferences/Seminars/Training Events

- d) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J. Finucane, it was agreed to approve the attendance of Cllrs. J.F. Flynn and M. O’Shea at the Celtic Conferences Conference “The Finance Act 2018” held in Carlingford from 11-13 January 2019.

- e) On the PROPOSAL of Cllr. D. McCarthy, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. D. Quigg, G. Spring and M. Kennelly at the Celtic Conferences Conference “A Guide to EU Educational Programmes” to be held in Carlingford from 8-10 February 2019.

Cllr. D. Quigg was nominated to report back to Council on this Conference

21.1.19.14 Correspondence General

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

Date	From	Description
29-Nov-18	Irish Water	Response to a resolution from Kerry County Council regarding the public sewer at Castleisland.
13-Dec-18	Minister for Education & Skills	Response to a resolution from Kerry County Council regarding the qualifying criteria for the HEAR scheme.
19-Dec-18	National Ambulance Service	Response to a resolution from Kerry County Council regarding the provision of an “Ambulance Deployment Point” in Killorglin.
19-Dec-18	ESB	Response to a resolution from Kerry County Council regarding electric vehicle charge points.
3-Jan-19	Irish Water	Response to a resolution from Kerry County Council regarding homesharing arrangements such as AirBnB.
3-Jan-19	Inland Fisheries Ireland	Response to a resolution from Kerry County Council regarding the River Feale.

Date	From	Description
7-Jan-19	Deputy Danny Healy-Rae	Response to a resolution from Kerry County Council regarding the ambulance service.
8-Jan-19	Minister for Children & Youth Affairs	Response to a resolution from Kerry County Council regarding funding for local community groups and FRCs.
9-Jan-19	Minister for Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding the RAS Scheme.
17-Dec-18	Donegal County Council	Resolution adopted by Donegal County Council regarding an Irish Language Act in the Six Counties.
31-Dec-18	Roscommon County Council	Resolution adopted by Roscommon County Council calling on the Minister for Health to bring forward legislation to make it a statutory entitlement that persons who qualify for Home Help Hours and Home Care Packages must be immediately provided for by the HSE.
2-Jan-19	Limerick City & County Council	Resolution adopted by Limerick City & County Council regarding proposals to increase fines and penalty points for speeding and the non-carrying of a drivers licence.
15-Jan-19	Sligo County Council	Resolution adopted by Sligo County Council regarding their support of nurses and midwives.

The meeting concluded at 5.35 p.m.

Liam Quinlan
Meetings Administrator

Cathaoirleach of Kerry County Council