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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 19 MEITHEAMH, 2017

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 19TH JUNE, 2017

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley
B. Cronin
T. Ferris
N. Foley
J. Healy-Rae
S. Locke
P. McCarthy
N. Moriarty
L. Purtill
A. Thornton

M. Cahill
J.J. Culloty
J. Finucane
M. Gleeson
M. Healy-Rae
J. Lucid
T. McEllistrim
B. O'Connell
D. Quigg

P Connor-Scarteen
P. Daly
J.F. Flynn
D. Grady
N. Kelleher
D. McCarthy
J. Moloney
M. O'Shea
J. Sheahan

APOLOGY/LEATH SCÉAL

G. Spring

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. J. Breen, Director Water Services
Ms. A. McAllen, Head of Finance	Mr. M. Scannell, A/Dir. Job Cr/Sust. ED
Mr. M. O'Donoghue, A/Dir.H.&Corp.S.	Mr. T. Sheehy, A/Director of Operations
Mr. L. Quinlan, Meetings Administrator	Ms. J. Maher, Fin. Mgmt. Accountant
Mr. M. Boyce, SEE Environment	Ms. K. Lynch, SEO Finance
Mr. O. O'Shea, Press & Comm. Officer	Mr. G. O'Brien, A/SEO Envir. Serv.
Ms. B. Reidy, SSO Corporate Support	Ms. M. Galvin, CO Corporate Support
Ms. J. O'Sullivan, CO Corp. Support	

The meeting commenced at 10.30am.

17.06.19.01 Cathaoirleach's Report on the CPG Meeting held on the 13th June, 2017

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

“Agenda for the June Council Meeting

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

Update from the Chairs of SPCs

No SPC meetings were held since May.

Requests for Presentations to full Council

It was agreed that the Central Statistics Office, IDA & Enterprise Ireland would be invited to make presentations to full Council

The CPG agreed to request a meeting with the Minister for Communications, Climate Action & Environment to discuss the Shannon LNG project.

Renewable Energy Guidelines

Cllr. M. Kennelly advised that the members for Listowel MD requested an update on the issues raised at the Planning Briefing on wind energy.

In response Mr. M. Scannell, A/Director of Services advised that at the briefing on 29th May, clarity was provided in relation to the publication of the Renewable Energy Guidelines by the Department of Housing, Planning, Community and Local Government. The final guidelines which will be subject to SEA will be published before the end of June. He received further reassurance before the CPG meeting that the Guidelines will be issued in the coming week and these will provide clarity in relation to set back distances and more detailed criteria in relation to noise impact.

The Council has committed to assess the impact of these Guidelines in the context of the current Renewable Energy Strategy for County Kerry and to bring back a full report to Council in respect of same. This will include a mapping of the Guidelines on the current areas designated as either “open to consideration” or “strategic sites” in the context of windfarm development.

In the consideration of the Renewable Energy Strategy local authorities were required to prepare an evaluation of the landscape and its sensitivity to wind energy developments. This was undertaken through stakeholder involvement in sensitivity mapping and also through the carrying out of field work. The County was divided into 46 character area field study sheets and detailed descriptions and analysis was provided in respect of each in the context of the provision of windfarm developments. The final analysis also considered the amenity designations within the county plan of prime and secondary amenity, protected views and the national and European statutory designations SPA, NHA and SAC.

The extracts distributed to the Council were incomplete in relation to the overall description and analysis and excluded maps, development capacity summary etc. The Landscape Character Assessment was prepared in 2010 and recognising that there has been significant development throughout the county and that the extent of tourist impact has extended beyond the more traditional areas, a review of the Landscape Character Assessment in 2018 as a precursor to inform the County Development Plan review in 2019.

The Director of Services advised the meeting that the impact on the current zonings and policy would be mapped and assessed. The Council would be then in a position to view the final draft guidelines in the context of the current policy and identify as to the impact on location. Following this mapping exercise it was agreed that the full Council would be further briefed within a suggested proposed 4 weeks from receipt of the guidelines.

Renaming of Library Place, Killorglin

The Cathaoirleach put forward this proposal and Mr. L. Quinlan undertook to revert to the Cathaoirleach in relation to it.

Zoning in industrial estates

Members highlighted the need for a re-examination in relation to zoning and permitted uses in industrial estates. The CE advised that any consideration of alternative uses would require the full assessment of the planning policy & zoning within that area to ensure that proper planning would be achieved on the ground.

Enterprise Ireland Regional Enterprise Development Fund

Mr. M. Scannell & the CE briefed the meeting on the Enterprise Ireland Regional Enterprise Development Fund and advised members that details of the Fund will be included in the Chief Executive's Report for the June meeting. There was further discussion around attracting increased investment to the county and the Members acknowledged the significant emphasis and strategies put in place by the Council in relation to investment and job creation in the county and the significant interagency linkages which have been established for this purpose.

Town and Village Renewal Scheme

The Chief Executive briefed members on the scheme and advised that it would be referenced in the monthly Chief Executive's Report at the June Council meeting."

Cllr. J.J. Culloty highlighted that it is not appropriate that wind turbines would be located near houses. He asked that the County Development Plan would be reviewed as soon as possible and that the areas Open to Consideration would be amended.

Cllr. J. Moloney asked if the new draft Guidelines would be taken into account in assessing planning applicants on hand and what is the current status of the new Guidelines and the Landscape Character Assessment. He expressed the view that the Renewable Energy Strategy cannot be reviewed without also reviewing the Landscape Character Assessment and called for the holding of a Special Planning Meeting prior to August to review the impact of the new Guidelines on the county.

Cllr. A. Thornton asked if councillors would be afforded the opportunity to have an input prior to the Guidelines being finalised. She also asked as to the current status of the Landscape Character Assessment and why the Landscape Character Assessment is cited in decisions from An Bord Pleanála when officials state it does not form part of the County Development Plan.

Cllr. Ferris requested that amendments be made to the County Development Plan in light of the new Guidelines and further asked that development levies in respect of wind farms be reviewed.

Cllr. D. Grady concurred with the views expressed by previous speakers.

Cllr. N. Kelleher asked when the Guidelines would come into effect. He expressed concern at the proposed set back in the Guidelines which is not adequate. Provision should be made in the Guidelines for community support funding. Cllr. Kelleher seconded Cllr. Culloty's proposal that the County Development Plan would be reviewed as soon as possible.

Cllr. M. Healy-Rae highlighted that the proposed set back from turbines is 600m and added that this is not acceptable and expressed there is concern among the public that the Guidelines wont bring any change. Proposals in relation to community funds are vague in the Guidelines and this is also a cause for concern.

Cllr. M. Gleeson advised that if the countryside is damaged it cannot be undone. Kerry is spoken of glowingly and if the landscape is damaged it will never be forgiven. There is a moral responsibility on behalf of the people of the county to protect the environment and if it is harmed it would be unethical. The new Guidelines should apply to permission granted where the development has not taken place. Kerry is a treasure of immense tourism value and it must be protected.

Cllr. N. Foley supported the concern expressed by previous speakers and asked as to the timeframe for implementation of the Guidelines. She agreed that the proposed set back in the draft Guidelines is insufficient and she asked how soon would a new Landscape Character Assessment be drawn up.

The Cathaoirleach advised that sufficient energy is being produced from existing wind farms in Kerry to supply energy to industries in the county, It is unreasonable to expect Kerry to produce energy for industries in Dublin. He suggested that consideration should be given to locating wind turbines in the Irish Sea to service the Dublin area as most recent job announcements were for Dublin.

The Chief Executive highlighted that the members of Kerry County Council adopted a positive County Development Plan. Members want to commence a review of this Plan and this is possible now that the Guidelines on Renewable Energy Strategy have issued by the Department. On the 13th June the Draft Guidelines were published and a Press Release issued. However Kerry County Council has not yet received the Guidelines or a Circular on them. She presumed the Guidelines would be received in the next week or two. Firstly it will be necessary to map wind farms that have been developed and also those where permission has been granted but have not yet been developed. The Guidelines will then be assessed to establish their impact on the county. The mapping will be carried out over the coming weeks following which members would be updated. She understood that an SEA will have to be undertaken on the draft Guidelines and this will involve a public consultation process.

Mr. M. Scannell advised that the preferred draft approach to the review of the Wind Energy Development Guidelines specify that there must be a 500m set back which was not in the previous Guidelines. The new setback will be mapped in terms of permissions granted to establish the impact on area open to consideration. He also advised that Kerry has a strong County Development Plan and at present the Killarney MD Plan is being finalised while it is intended that the remaining MD Plans will follow later in the year. This is a significant workload and it is in that context that the Landscape Character Assessment and Renewable Energy Strategy will be reviewed.

Cllr. A. Thornton welcomed the update and added as Cathaoirleach of Listowel MD she did not want to see sterilisation or infiltration of the county but it is important to be careful going forward. The assessment that must be carried out is very complex and some areas will not be suitable.

Cllr. J.J. Culloty stated Kerry already has its fair share of wind farm developments. Companies apply for permission where ever they like and the Bord grants permission. While wind farm developments would be welcome in some areas there are parts of the county where the designation 'open to consideration' should be removed. Cllr. Culloty asked that priority would be given to the mapping following which management would revert to members.

Cllr. R. Beasley asked if it was a fact that after 20 years wind turbines are obsolete and he asked who must remove them. He asked what the value of rates on wind turbines is.

Cllr. P. Daly stated there has been an increase in the number of jobs in the hotel industry, restaurants and mobile food service. The new gas pipeline is being brought to Listowel for Kerry Group and the road to Fenit will be improved to facilitate Liebherr. There should be substantial rates and levies on wind turbines. In conclusion Cllr. Daly referred to the Tobar Naofa heating system and called on management to consider providing other district heating systems.

Cllr. J. Moloney highlighted the importance of protecting the scenic value of the county and added that the Landscape Character Assessment is contradicting this. He expressed concern at the way An Bord Pleanála has granted permission for wind farm developments and is opening up the whole county to this type of development.

Cllr. J. Finucane pointed out that the Guidelines are subject to an EIA and that can be a way of protecting the county.

Cllr. J. Healy-Rae stated that the set back distance has been increased by just 100m. He asked if the new Guidelines will apply to the current planning application for a proposed development in East Kerry.

The Chief Executive advised that the Draft Development Contribution Scheme is out for public consultation and would be presented to members at the July Meeting. The County Development Plan is the adopted policy of the Council and while the planning authority decides on applications a different view may be taken by the Bord. Any discretion must comply with the Guidelines. The impact of the Guidelines on existing developments must now be assessed.

Mr. M. Scannell advised that the residual value of wind turbines will be worth more than the cost of removing them and the developer will be responsible for their removal.

At the conclusion of this discussion it was advised to Members that a special planning briefing on wind energy policy, in the light of the preferred draft approach by the DHPCLG on the review of the Wind Energy Development Guidelines, would be held following the conclusion of the full Council meeting on 17th July.

17.06.19.02 Confirmation of Minutes

On the PROPOSAL of Cllr. D McCarthy, SECONDED by Cllr. M Gleeson it was resolved that the minutes of the May Ordinary Meeting of Kerry County Council held on 15th May, 2017 be confirmed.

17.06.19.03 Chief Executive's Report to Council

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

Introduction

Section 136(2) of the Local Government Act 2001, as inserted by Section 51 of the Local Government Reform Act 2014 places an obligation on the Chief Executive to prepare a report, to be known as the Management Report, in relation to the performance of his or her Executive Functions during the preceding calendar month, including implementation of policy or other matters required by the Council in the exercise of its Reserved Functions and the provision of services by the Council.

As agreed by the Members, the report will be forwarded to you on a monthly basis along with the documentation for the ordinary monthly meetings.

Members will also be aware that an update report is provided at each Municipal District Meeting on the work of the Directorates within Kerry County Council. These very detailed reports provide updates on the main activities per directorate at Municipal District level on such matters as the Housing Programme, the Roadworks Programme, Water and Wastewater projects, , Environmental Services etc. Please note in particular that the revised Municipal District Housing Report presented at the Municipal District Meetings includes updates across all social housing activity at municipal district level for the information of Municipal District members. As previously advised in order to avoid duplication of reporting, updates on these matters are not included in the Chief Executive's Report.

The report below has been prepared for the June 2017 Council Meeting.

Finance Directorate

As agreed with the Members, a Financial Report for Members will be provided on a quarterly basis in line with the Quarterly Reporting Process for Income and Expenditure already in place to the Department of Housing, Planning Community & Local Government. The Qtr 1 Financial report is included as an appendix in this report.

Infrastructure, Operations, Health & Safety Directorate

Listowel By-Pass

The CPO and the EIA for the Listowel By-Pass have been submitted to An Bord Pleanála. All documentation is available for inspection in County Buildings, the NRDO office and in the Listowel MD Offices. The closing date for receipt of submissions is the 7th July 2017.

Economic & Community Development Directorate

Kerry Local Enterprise Office

Four projects were approved funding worth €67,400 at the May meeting of the evaluation committee. This brings approvals to €183,000 in the year to date. Four additional bootcamp courses have been organised for early stage business start ups due to demand.

The Food Academy Programme is concluding and the Cathaoirleach presented certificates to 13 participants on 30th May.

Demand for mentoring and Trading Online Vouchers remains strong.

The National Enterprise Awards took place in the Mansion House on 25th May and the Kerry entrant Irish Host Family (Antoinette Butler) won the regional award for best business.

The new marketing export grant scheme was launched in May and three new applications have been processed. Eligible businesses can receive up to €2,500 towards trade show attendance and other marketing activities.

The LEO has secured additional funding to develop a “Lean for Microbusiness” initiative and a new programme will commence in June with five participating businesses.

Economic Development Unit (EDU)

The Enterprise Ireland Regional Enterprise Development Fund (REDF) was launched on Monday 29th May 2017. This competitive funding has been provided by the Department of Jobs, through Enterprise Ireland and is a key action to support the Regional Action Plan for Jobs and the Action Plan for Rural Development. The Fund is aimed at accelerating economic recovery in every part of the country by delivering on the potential of local and regional enterprise strengths. The Fund will support significant collaborative regional initiatives to build on specific industry sectoral strengths and improve enterprise capability, thereby driving job creation.

Under a competitive process, Enterprise Ireland is now seeking applications for funding under four streams with varying investment levels:-

Stream 1 - Major Change Projects - €2m up to €5m per project,

Stream 2 - Regionally Significant Projects - €250,000 up to €2m per project,

Stream 3 - Local & Community Enterprise Development Projects - €50,000 up to €250,000 per project,

Stream 4 - Industry Clusters - €50,000 up to €250,000 per project.

Competitive feasibility funding of 50% of the cost up to maximum grant of €22,500 to support the development of high quality regional projects is also available as part of this initiative.

Full details of the scheme are available on the Enterprise Ireland Website www.enterprise-ireland.com/REDF

Island of Geese

Work on the development of a masterplan for the former Denny factory site at the Island of Geese in Tralee is progressing well with initial engagement with councillors in the Tralee Municipal District and many local stakeholders already underway. The contract for the demolition of the buildings and the clearance of the site has been advertised in the past week.

Reddy Architecture + Urbanism have been tasked with identifying a masterplan for this strategic site.

Tourism Department

Tourism Conference – ‘Working as One on the Wild Atlantic Way’

As agreed by members, the Tourism Unit is currently working on the programme for the Wild Atlantic Way Conference which will take place on the 6th and 7th September 2017 in the Listowel Arms Hotel. ‘Save the date’ promotional material will issue to all Local Authorities in the coming weeks

Community Department

2017 Town and Village Renewal Scheme

Kerry County Council is presently in the evaluation process in relation to this scheme. It is intended that the maximum of 15 projects will be selected for submission to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and the CSF strategic fund will be used to co-fund these important initiatives, as agreed at budget time

LEADER RDP (2014-2020)

A Special meeting of the Kerry Local Action Group was convened on the 7th of June to consider project applications for funding under the LEADER RDP Programme (2014-2020) under the sub-thematic theme area of ‘Rural Tourism’. This is one of the nine sub-thematic theme areas under the LEADER Programme.

Age Friendly Initiatives – Call for proposals under the Community Facilities Capital Grant Scheme.

A total of €64,000 is available under this fund to support local age friendly initiatives and projects in Kerry. The maximum grant available to local groups is €1,000 per project. The Community Department have notified community groups and will be issuing further press releases to remind groups that the closing date for receipt of completed applications is June 30th 2017. Information and application forms are also available on Kerry County Councils website or groups can contact the Community Department directly on 066 7183680.

Community Awards

The Kerry Community Awards Committee is a non-profit community support organisation and since 2003 has raised in excess of €350,000 in voluntary contributions for the purpose of funding the Annual Kerry Community Awards. Kerry County Council is a member of the Community Awards Committee Group and is also one of the main sponsors. The award ceremony which was held in the Dromhall Hotel, Killarney in May 2017 honoured 20 separate community organisations with the overall prize winner for 2017 being the Kerry Social Farming Project.

Planning and Sustainable Development

On 1st June 'Listowel Heritage and Community Led Regeneration Strategy' was launched at the Lartigue Monorail Museum, Listowel. The strategy aims to environmentally, economically, and socially regenerate the historic town of Listowel.

Creative Ireland Kerry 2017

Kerry County Council has produced the Creative Ireland Kerry 2017 Activation Plan which was launched last month by the Taoiseach at Muckross House. Key deliverables of this plan for 2017 include seven projects promoting citizen engagement with creativity, as well as consultation for a five year Cultural Strategy.

Water, Environment, Fire & Library Services Directorate

Water Services

Irish Water has recently approved funding of €95,000 to replace the Watermain in Anglont, Killorglin, primarily along the N72 Killarney-Killorglin road. This is a highly problematic watermain, which has burst 10 times already in 2017. Kerry County Council's Direct Labour crews will carry out this work and it is anticipated that it will be completed by the end of June and will vastly improve the reliability of supply to affected customers.

Housing Directorate

Kerry County Council has been notified of a capital allocation for the payment of Housing Adaptation Grants for Older People and People with a Disability Schemes, in 2017 of €2,220,979 of which €444,196 is to be provided from own revenue resources. The funds are targeted at essential works in order that optimum benefit is received from the available resources. As set out in the guidelines, local authorities must ensure that applications are prioritised on the basis of the medical needs of the applicant.

June Ordinary Meeting

Financial Report

Kerry County Council

1 Major Expenditure & Income by Division with 2017 Adopted Budget

Date as at end of Quarter 1 (March 2017) in accordance with EU / IMF return on expenditure and Income made to DOECLG on 25th May 2017

Service Division Description	EXPENDITURE				INCOME			
	Total Exp. To date	Budget	Budget Remaining	% Budget Spent to date	Total Inc. to date	Budget	Not Rec'd	% Rec'd
	2017	2017	2017	2017	2017	2017	2017	2017
A Housing and Building	6,513,581	24,160,868	17,647,287	27%	6,320,162	23,525,846	17,205,684	27%
B Road Transport & Safety	5,606,541	31,144,636	25,538,095	18%	2,503,546	19,090,066	16,586,520	13%
C Water Services	3,260,217	14,466,687	11,206,470	23%	2,863,725	13,690,847	10,827,122	21%
D Development Management	2,804,399	10,896,467	8,092,068	26%	1,377,189	2,697,912	1,320,723	51%
E Environmental Services	4,052,918	17,566,586	13,513,668	23%	753,304	3,915,986	3,162,682	19%
F Recreation and Amenity	1,749,010	8,042,487	6,293,477	22%	141,244	507,971	366,727	28%
G Agriculture, Education, Health & Welfare	527,303	2,633,042	2,105,739	20%	368,237	1,993,332	1,625,095	18%
H Miscellaneous Services	4,284,273	17,819,233	13,534,960	24%	784,188	6,375,070	5,590,882	12%
Local Government Fund/General Purpose Grant					3,444,191	13,776,761	10,332,570	25%
Pension Levy*					0	0	0	
Rates					10,283,323	41,156,215	30,872,892	25%
Grand Total	28,798,242	126,730,006	97,931,764	23%	28,839,109	126,730,006	97,890,897	23%

*Note at Budget 2017 the Pension Levy was amalgamated with the Local Government Fund

2 Performance of Local Authority Revenue Collection Levels

Major sources of Revenue Income - Collection levels as at 31st May 2017

	Total for Collection	Collected	% collected
Commercial Rates	€ 49,568,587	€ 12,258,514	25%
<i>Total for Collection - Full year rate demand plus arrears</i>			
<i>Rates demands were issued on 2nd March 2017</i>			
Housing Rent & Loans:			
Rents	€ 5,879,500	€ 4,824,885	82%
Loans	€ 618,650	€ 399,771	65%
<i>Rent and loans: Total for Collection - <u>Year to date</u> billed plus arrears</i>			

3 Recourse to Overdraft Facility

None

4 Emergency Capital works not provided for in the Budget

None

Cllr. B. Cronin asked if a voluntary group could apply for Clár funding to provide a playground or is it only schools that can avail of this funding. There has been some mention of MD boundary changes and he asked if management are aware of an independent boundary committee that has been set up and will members be entitled to make a submission on it.

Cllr. S. Locke asked if windows could be included under the Housing Adaptation Grant Scheme.

Cllr. J.F. Flynn welcomed the funding for Curraheen NS and the re-opening of Two Mile National School.

Cllr. M. Cahill welcomed the €95,000 allocated by Irish Water to replace the water main in Anglont, Killorglin. He asked if an application for funding was submitted for Callinafercy. Cllr. Cahill then referred to the Repair to Lease Scheme and highlighted that the €40,000 loan is not adequate and many properties would require an investment of up to €100,000. He asked that this would be pursued with the new Minister for Housing. Cllr. Cahill welcomed the funding for Curraheen NS in Glenbeigh for a new handball alley. St. Mary of the Angels applied for Clár funding and he asked if that category was adjudicated upon. Cllr. Cahill called for the setting up of a centralised grants office for the county and in the past he proposed that it would be based in Killorglin.

The Chief Executive advised that members were circulated with a list of projects submitted for funding under the Clár Programme. She understood there would be a further call for projects in the near future and any application that was not successful in the last round can be resubmitted. The Chief Executive advised that she understood a boundary review was being undertaken but she did not have any further details. The replacement of windows is not a priority and would not qualify as essential / critical works.

17.06.19.04 Draft River Basin Management Plan for Ireland (2018-2021)

Mr. M. Boyce, SEE Environment Department made a PowerPoint presentation on what is contained in the River Basin Management Plan under the following headings:

- Water Framework Directive (WFD)
- Key Learning from 1st Cycle
- River Water Quality: Past, Present, Future?
- EPA Characterisation
- River Basin District
- Catchments / Sub-Catchments
- Water Quality Trends
- High-Status Sites
- Water Bodies “at risk” of not meeting their objective

- Draft River Basin Management Plan /Objective & Priorities
- Programme of Measures /Implementation Strategy
- Community Waters Officer Locations
- National Water Forum
- Proposed Implementation Structure
- Role of Local Authorities
- Communication & Engagement
- How can people input to plan?

Members thanked Mr. Boyce for his detailed presentation.

Cllr. P. Daly then moved Notice of Motion No. 6.

6. Explore opportunities to improve the amenity and water quality of the Big River in Tralee

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

In light of the current public consultation on the River Basin Management Plans that Kerry County Council would explore opportunities to improve the amenity and water quality of the Big River in Tralee

The following reply issued:

The public consultation phase of the Draft River basin management is presently underway with public meetings facilitated in Kerry by our Communities and Water officer, Dr Bláthín Ni Ainín. A single river basin district approach has now been taken with a much improved evidence base to underpin decision making. Implementation structures have been strengthened to ensure more effective and coordinated delivery of measures, and the approach to public consultation and engagement has been improved. Work will continue throughout 2017 in completing the characterisation of River Basin Districts and on further developing the proposed measures outlined in the draft plan, informed by the views of respondees to the consultation process. It is intended to publish the final River Basin Management Plan by December 2017 following approval by the Minister. Closing date for submissions is 31st August next.

The draft river basin management plan makes provision, through the Waters and Community Office, for assistance and funding to further develop the amenity value of the rivers for residents and visitors and the water quality of our rivers. Discussions will be undertaken, as requested, with the office regarding measures to improve the quality of the Big River in Tralee and we will revert to Council with the details.

Cllr. P. Daly welcomed the reply. The development of an amenity trail along the Big River would be an attractive walkway into the centre of the town and a link to the Tralee to Fenit walkway. It is not possible for the river to have a good

ecological status when untreated sewage is getting into it. The growth of algae and Japanese knotweed is also an issue. He asked that Kerry County Council liaise with Irish Water to improve the quality of water in the Big River.

Cllr. J.J. Culloty asked why the quality of water had deteriorated from 2007–2009.

Cllr. M Cahill said that water quality is important but the cleaning of rivers and the removal of gravel and vegetation which blocks the arches of bridges must also be addressed. He acknowledged that the cleaning of rivers is under the remit of the OPW.

Mr. M. Boyce acknowledged the points made by the members and he advised that the Tralee Sewerage Scheme is licensed by the EPA and advised that the management of rivers needs a structure. The River Basin Management Plan 2018 - 2021 will take an integrated approach to the protection, improvement and sustainable management of the rivers.

Cllr. J.F. Flynn welcomed the Draft River Management Plan 2018 -2021 and said that a group should be assigned responsibility for its implementation.

17.06.19.05 Nominee to the Southern Regional Drug & Alcohol Task Force

Cllr. N Foley PROPOSED that Cllr. JF Flynn be nominated to the Southern Regional Drug & Alcohol Task Force.

Cllr. JJ Culloty SECONDED this proposal.

Cllr. D. Quigg PROPOSED that Cllr. D Grady be nominated to the Southern Regional Drug & Alcohol Task Force.

Cllr. S. Locke SECONDED this proposal.

Cllr. JF Flynn then withdrew his name from the nomination.

The Cathaoirleach declared Cllr. D Grady to be nominated to represent Kerry County Council on the Southern Regional Drug & Alcohol Task Force.

17.06.19.06 Change to one of Kerry County Council's nominees to the Southern Regional Assembly

Mr. L. Quinlan referred members to his report dated 13th June 2017 on this item which was circulated.

It was agreed to note that Cllr. R. Beasley would replace Cllr. D. Nolan on the Southern Regional Assembly.

17.06.19.07 Change in the Chair of the Tourism, Culture, Arts and Recreation SPC.

Mr. L. Quinlan referred members to his report dated 13th June 2017 on this item which was circulated.

It was agreed to note that Cllr. S. Locke would take over as Chair of the Tourism, Culture, Arts and Recreation SPC with effect from 1st July 2017.

17.06.19.08 Senators and MEP briefing

On behalf of the members Cathaoirleach, Cllr. M. O'Shea welcomed Mr. Sean Kelly, MEP, Ms. Liadh Ní Riada MEP, Senator Ned O'Sullivan and Senator Mark Daly to the meeting. He added that he looked forward to hearing their contributions on the impact of Brexit on the county. As Mr. Kelly had to leave the meeting early to rush to the airport he called on him to address the meeting.

Mr. Kelly thanked the Cathaoirleach and members for the opportunity to address them. There are a lot of developments in Europe at present that will affect Kerry including BREXIT which is a very delicate situation. BREXIT negotiations must be finalised by March 2019. For the next European Elections Britain will no longer be a member of the EU. Mr. Kelly advised, in his opinion, BREXIT was not voted on in an objective manner and the focus was only on issues around immigration and sovereignty. The biggest issue in BREXIT negotiations is Britain's commitments to the EU up to 2020. Future funding of CAP and other projects must be addressed by the EU. There is a genuine understanding of Ireland's position. He recently brought the EU Peoples Party to Wicklow when he used the occasion to bring the chief negotiator to Ireland and our border with Northern Ireland. The Government and businesses will plan for the best and worst case scenarios.

Mr. Kelly then referred to Renewable Energy and Climate Targets and advised that he was one of a few MEPs involved in this. Europe has a target to reduce greenhouse gas emissions by 40% by 2020 but it is now evident that this target may not be met. A resolution was passed by the EU Commission last week to include managed forests in the targets but he organised a split vote and as a result he hoped there would be some flexibility on this. Fossil fuels are bad for the environment and we must reduce our use of them. He is a raconteur for the EU and it is important to get buy in from people to decarbonise. Agriculture has done more than other sectors in this area. There is a dilemma in that enough food must be produced in a sustainable way. More could be done to ensure buildings are passive and a policy is need to get 1 or 2% of public buildings adapted to being passive each year.

Mr. Kelly agreed that the securing of Technological University status of ITT is vital for Tralee and for foreign investment. At the recent Borg Warner job announcement it was stated they came to Tralee rather than Dublin because the

talent was available. Shannon LNG could be huge for Kerry and he was aware it was part of the Programme for Government. However a lot more needs to be done to progress it. Unlike renewable energy the Shannon LNG project has local buy in and it could result in other industries. When the Corrib gas line runs out the Shannon LNG plant would give security of supply.

Cllr. J. Finucane welcomed the recognition of the potential of the Shannon LNG project. Kerry needs a game changer and this could be it. All industrialists that visit the county mention access and we need to ensure better access to the county. As a result of BREXIT a number of companies will want to relocate and Kerry should be targeting these companies with a view to attracting them to the county. There should be a co-ordinated approach to try to attract the European Medical Agency to Ireland.

Cllr. J.J. Culloty agreed that BREXIT could have a huge impact on Ireland and he expressed concern at the outcome of the negotiations. A number of people and companies plan on leaving the UK and coming to Dublin but Dublin could not cope with them due to a shortage of housing etc. Cllr. Culloty suggested that a grant should be provided to enable new houses to be fitted with air to water heating systems and to allow existing houses to be converted. There is a lack of communication between MEPs and the ordinary person and this needs to be bridged.

Cllr. S. Locke asked what is the Irish Government and MEPs doing to protect the Irish fishing fleet in the context of BREXIT. He asked if existing jobs in this industry will be secured.

Cllr. J. Healy-Rae acknowledged the importance of Renewable Energy but expressed concern that it is being rushed and concerns and worries are not being addressed. The current guidelines are not adequate. Wind turbines are permitted very close to houses in particular in East Kerry and he emphasised the need to protect communities.

Mr. S. Kelly MEP highlighted when Britain leaves the EU the budget will be reduced and the net contributors will have to pay more if existing payments are to be maintained. Mr. Kelly confirmed it would be beneficial for the Council to travel to Brussels. Good access to the county is vital and a direct connection with Schiphol Airport would be very beneficial. Efforts are ongoing in relation to the European Medical Agency. Mr. Kelly agreed that air to water heating systems should be encouraged by the Government. The Irish Government must negotiate a good deal for our territorial waters in the context of Brexit.

Cllr. A. Thornton highlighted that renewable energy projects have had a major impact on communities in North Kerry. There are no national guidelines in relation to solar farms and they should be put in place immediately. When they are being compiled there should be a public consultation process. The bridge in Asdee has

been damaged by the large vehicles accessing the wind farm development site and there is no funding to repair it. This development will not directly benefit the local community yet they are inconvenienced and she asked that greater consideration would be given to the views of communities in assessing future applications.

Mr. Kelly agreed that an overall strategy is required on renewable energy. Wind farm developments are not the only form of renewable energy and other options such as solar, bio mass and offshore turbines should also be considered. Mr. Kelly advised that he hoped to discuss these issues with Minister Naughten on this shortly.

Ms. Liadh Ní Riada outlined her background and advised she is on a number of committees in the EU including Fisheries and Culture. She believes that Ireland is not getting sufficient funding from the EU and there is a huge gap between knowing what is available and how to access it. There are huge funding opportunities with the EU Investment Bank and Ireland could draw down more funding. Britain is committed to contributing €60bn to the EU up to 2020 and they must honour this commitment. Very little funding is drawn down under the LEADER Programme in the past 18 months. It is a very bureaucratic programme and should be more accessible. Pobal administer the LEADER Programme and it does not seem to have the capacity to deal with it. Ms. Ní Riada stated she believed local authorities should have more autonomy to deliver services. Credit Unions offered funding to the government for housing but it was not taken up. Public banking works well in Germany and it only requires a licence. The fishing industry in Ireland has been let down over the years and negotiations on BREXIT cannot be just about our own quotas as we must comply with the principles of sustainable yield. The fishing industry in Killybegs does very well but not the rest of the country and other countries are getting a bigger percentage of available quotas. She highlighted that there has been limited uptake of FLAG funding.

She expressed the view that the abolition of the Town Councils was detrimental for towns and many people feel they are not longer represented. The granting of permission for renewable energy projects has lead to a lot of anger in communities as they feel the process is not inclusive. With the advent of BREXIT the budget will be cut and the first area to be affected is the Common Agriculture Policy. 80% of the EU Budget goes on CAP and this will be impacted from 2019.

Cllr. D. McCarthy highlighted the proposed new regulations that will no longer allow farmers to use flat plates for the spreading of slurry. All farmers have these machines and it will cost €8,000 to €10,000 to ensure they comply with the new regulations. This is a serious concern for the farming community and he asked if MEPs could influence this proposal.

Cllr. T. McEllistrim asked how badly is the agriculture and food sector exposed to BREXIT. Direct payments are keeping many farmers in business and it accounts for ⅔ of their income.

Cllr. P. McCarthy stated businesses and investors may move their business to Ireland when BREXIT is finalised. Every European country will try to attract businesses to their country and he asked what the government should do to secure some of this business for Ireland.

Cllr. J. Sheahan asked if it would be possible to negotiate an increase in fishing quotas. He also asked if there could be any discretion allowed to farmers to spread slurry when the weather is suitable rather than the present restrictions.

Cllr. D. Grady stated that significant funding is available in the EU but many local authorities and communities do not know how to access it. He asked if funding is available to address flooding.

Cllr. B. Cronin agreed that there is concern regarding the consequences of BREXIT on agriculture and tourism. Britain is a net contributor to the EU and when they leave it will have an impact. Irish agriculture has benefitted from the EU and he asked MEPs if they envisage a significant impact on agriculture post BREXIT. There has already been a reduction in the number of British tourists coming to Ireland and this is due to the exchange rate. Cllr. Cronin concurred with the views expressed by Cllr. D. McCarthy in relation to splash plates and added that the cost will have a devastating impact on farming. In conclusion Cllr. Cronin asked the MEPs if they envisage the EU will ban the use of turf and timber for heating.

In response Ms. Ní Riada agreed that the new regulations will impact on farmers. Legislation is proposed by the Commission and MEPs can respond to it. While every country must comply with the EU Habitats Directive not all countries apply it to the same extent as other countries. While they can lobby for amendments they have no control over the legislation passed by the EU. Funding for CAP will be cut and the present regime of form filling is unfair on farmers. Forms must now be completed online but the lack of a reasonable broadband service is an issue in many areas. Farmers should still have the option to complete a hard copy of their application. While she would welcome FDI there are ongoing problems with infrastructure and plans should be in place for crèches, schools etc. to ensure that Ireland is an attractive place to settle in or to return to. Additional structural funds are required to provide adequate infrastructure, schools etc. Private investors have been refused loans but co-operatives can apply for funding. She was in the process of producing a booklet on this in order to share the relevant information with communities etc. The fishing quota will not be increased and there are depleted fish stocks in our rivers. It is estimated that 5% of salmon return to rivers. There needs to be radical changes to address this. Fish quotas are set by an international company who decide on a scientific basis what current stocks are. She was the first Irish MEP to seek a meeting with them. Their findings are then

debated by the Council of Ministers but the stakeholders should be at those meetings. Funding for farming /flooding is available from the Solidarity Fund but this funding is not availed of and applications must be submitted by the government.

Cllr. J.J. Culloty advised that the LEADER Programme should be revisited. He called on MEPs to inform councillors on the implementation of regulations and the way they are implemented in France and Germany in comparison to other countries.

Cllr. P. Daly highlighted there is frustration in relation to the LEADER Programme and Pobal. There is a lot of concern regarding BREXIT. He called on MEPs to advise Kerry County Council on how to access funding under the various EU Programmes.

Cllr. P. Connor-Scarteen stressed the need for good access to the county. He also supported the call for a direct service with Amsterdam from Kerry Airport and he asked that other routes to Northern Italy and France would be considered. LEADER funding is reduced by 50% and this should be addressed as it is very beneficial for rural areas. Cllr. Connor-Scarteen asked that pair trawling would be investigated as it is having a negative effect on fishermen and he asked how other countries deal with this problem.

Cllr. A. Thornton stated there are a lot of funding opportunities available and she called on the Chief Executive to investigate these. The current rules on the spreading of slurry in accordance with the Nitrates Directive is wrong as farming cannot be controlled by the calendar and there should be a balanced approach to it. Cllr. Thornton asked if there are funding opportunities for the North Kerry Greenway.

Cllr. J. Lucid asked if EU funding is available for coastal erosion.

The Cathaoirleach asked what is likely to happen in relation to the border with the North and is it likely tariffs will be introduced.

Ms. Ní Riada highlighted that the EU directed that Apple owe the Irish government €13bn but the main thrust of the political argument is that the jobs in Cork are vital. Our low corporate tax rate will not be of benefit post BREXIT as it is likely that Britain will reduce their corporate tax rate to compete with Ireland. BREXIT will affect all industries including the transport industry. The President of the Commission has indicated there will be a border with the north but until a definition of a soft border is clarified the future is unknown. Funding is available for coastal erosion under the Solidarity Fund. The severe flooding a few years ago may have qualified for funding if all the costs were combined. In conclusion Ms. Ní Riada undertook to provide a copy of her new booklet to members.

Senator Ned O'Sullivan then addressed the meeting and thanked members for the support given to him over the past 10 years. The real concern about BREXIT is the British approach to the negotiations. Tourism from Britain is down 7.5% in 2017 and it is evident that BREXIT will impact on tourism into the future. The other concern is the North of Ireland which is unsettled. There is no national voice in Westminster and it is up to the DUP to broker an agreement with the Prime Minister. Senator O'Sullivan highlighted that if the Shannon LNG project becomes a reality it could transform North Kerry but it needs state equity to succeed. He complimented the Council on the new approach to working with communities and funding them. All Tidy Towns Groups need the Councils support. Senator O'Sullivan then referred to the proposed repeal of the 8th Amendments and stated he looked forward to a sensible debate on it.

Senator Mark Daly welcomed the opportunity to hear members views on issues of concern to them. He thanked members for their support at the last Senate election. BREXIT will impact on all issues that impact on funding. He is a member of all committees on BREXIT and in his opinion British MPs do not understand the complexity of BREXIT. They must renegotiate 56 trade agreements and usually one agreement can take up to 5 years to conclude. If agreement cannot be reached it would be a disaster for Kerry as World Trade rules would then apply. Kerry Airport is vital for the county but there are moves to include airlines under the 'Open Skies' policy. Enterprise Ireland have an online test that companies can take to see if they are ready for BREXIT and they provide assistance to those who are not ready. A company in Wicklow sold 90% of their products to the UK and their trade collapsed but they are now targeting Denmark.

Cllr. J. Moloney highlighted that the Renewable Energy Strategy is a major issue for Kerry and he asked the Senators to look after the interests of Kerry in this regard. The proposed setback distance is not adequate and should be increased. The role of An Bord Pleanála in overturning decisions of Kerry County Council and its own Inspectors is also a cause of frustration. In 2014 Shannon Development Company ceased to exist and their role was taken over by Shannon Properties. They own Clieveragh Industrial Estate but it appears that the sole focus of Shannon Properties is to run Shannon Airport. There are vacant units at Clieveragh Industrial Estate but members do not know who to contact about them.

Cllr. A. Thornton concurred with the views expressed by Cllr. Moloney in relation to Shannon Properties. At Shannon Airport there is no WAW sign for North Kerry and members asked on a number of occasions that such a sign would be provided but to no avail. Ms. S. King of Fáilte Ireland stated she could not see why the sign would not be provided. Carrigafoyle Castle and Listowel Castle are not getting reasonable opening hours from the OPW and members called for them to remain open until the end of September or October. At a minimum they should remain open until after Listowel Races. Cllr. Thornton asked the Senators if they could assist in getting a commitment from government on the new guidelines for solar

farms. In conclusion Cllr. Thornton stressed that additional funding is required for infrastructure as national funding was reduced over the past number of years.

Cllr. N. Foley acknowledged the excellent service given by the two Senators to councillors. Kerry is dependent on tourism and in the context of BREXIT she asked that a campaign would be undertaken to promote the county. Specific funding and a strategy is required for this purpose given that Kerry is so dependent on tourism. Cllr. Foley also highlighted the case of Irish students studying in Britain and added that she hoped BREXIT would not impact on them. The importance of Kerry Airport and the PSO cannot be overstated as the Airport is critical infrastructure for the county.

Cllr. J.J. Culloty advised he recently heard Senator Daly being interviewed about the possible unification of Ireland and the justification for it and as a result he had a greater understanding of the benefits that accrue from it. An Bord Pleanála was set up for a different time. Kerry County Council makes a planning decision that is subsequently appealed to An Bord Pleanála. The Inspector supports the decision of the Council yet the Bord overturns it. In conclusion Cllr. Culloty stated the right to life is the most important human right.

Cllr. P. McCarthy PROPOSED in light of the discussion that Kerry County Council would establish an all party committee to research EU funding opportunities with the MEPs.

Cllr. D. Quigg stated he grew up in a border town and he witnessed the impact of job losses, the troubles and emigration. Factories closed down and moved to India but Asda set up in border towns and created employment. There is a real concern now for cancer patients from Monaghan and Donegal who are receiving treatment in the North.

Cllr. M. Healy-Rae highlighted that the road network in Kerry is deteriorating. While she acknowledged the excellent work done by staff the number of road crews in the Killarney area has reduced from 6 to 2 despite the fact that Castleisland is now in the Killarney area.

Cllr. D. Grady agreed that it is important to protect the tourism industry in Kerry. Tourism is down 7.5% and he believed this is because the tourism product in Dublin is too dear.

Suspension of Standing Orders

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

On the proposal of Cllr. J. Moloney, SECONDED by Cllr. P. McCarthy it was agreed to suspend Standing Orders to allow the meeting to continue.

Cllr. J. Sheahan agreed that while BREXIT is a cause for concern we must maintain a positive attitude. Wind farm developments are permitted too close to family homes and it is unfair. He asked if there have been any developments in off shore wind energy. The 'Open Skies' is a cause for concern for Kerry Airport and he asked that they would secure new routes if possible and that they would work with Ryanair to this end.

Cllr. D. McCarthy welcomed the MEPs and Senators to the meeting and wished them well for the future.

Cllr. R. Beasley referred to the abstention policy and stated he was delighted to be associated with a party that supports this policy and will continue to do so.

The Cathaoirleach, Cllr. M. O'Shea stated it is hard to hear job announcements every month but none coming to Kerry. Access is a major issue for Kerry and Kerry can offer an excellent quality of life. FEXCO now employs 2,900 across the world while Liebherr employs 1,000 and Dairymaster hundreds more. It is very frustrating for parents who educate their children to see them have to go abroad for employment. If Dublin Airport is permitted to build a third terminal it will adversely impact on the rest of the country. There is a need for balanced regional development but that is not happening in Kerry.

Cllr. N. Foley highlighted that the SDLP was founded by John Hume who was a Nobel Peace Prize winner.

Senator N. O'Sullivan agreed that the abolition of Shannon Development Company was a serious set back for Kerry. He represented Kerry for 16 years on the Shannon Estuary Port Company and they got great support from Shannon Development. Senator O'Sullivan stated he did not realise the lack of signposting for North Kerry at Shannon Airport.

Senator Daly agreed that there is no legislation in place to regulate the development of solar farms and he stated now is the time to do the research and to input the parameters in relation to solar farms. Some people suffer as a result of noise emitted from wind turbines and this is not acceptable. Senator Daly undertook to discuss the opening times of Carrigafoyle and Listowel Castles with the Minister of State for the OPW.

Cllr. Thornton asked that a counter would be put in place at Carrigafoyle Castle to establish visitor numbers.

Senator Daly stated the case of students studying in Britain will form part of the common travel area negotiations. An Bord Pleanála should meet with people and communities to explain their decisions. The 'Open Skies' policy will also form part of future negotiations. Senator Daly outlined the issues to be dealt with at various stages of the BREXIT negotiations. In relation to roads Senator Daly stated

Ireland has not applied for all the funding we should. The government did not apply for funding for flooding following the major flooding event a few years ago. The EU negotiates trade agreements on behalf of all its members.

Cllr. M. Cahill acknowledged the work of the Senators. He also acknowledged the role of FEXCO and the McCarthy family and their loyalty to Killorglin and the Mid Kerry area. A major issue in Ireland is the cost of insurance and insurance fraud. The South Kerry Greenway is the single biggest project for Kerry but politically it is not getting the support it deserves.

The Chief Executive referred to Cllr. P. McCarthy's proposal to set up a Committee to research funding available from the EU and she suggested that the best option is to refer this proposal to the Economic SPC.

The Cathaoirleach thanked the MEPs and Senators for their presentations.

17.06.19.09 Presentation by Ms. J Cregan on Iarnród Éireann Reorganisation

The Cathaoirleach welcomed Ms. J. Cregan and Mr. Andrew Roche from Iarnród Éireann to the meeting and he invited Ms. Cregan to address the meeting.

Ms. Cregan informed members that Iarnród Éireann are taking an overview of the company to see how it interacts with its customers and how it can adapt its services to best meet the needs of its customers. She briefed the meeting under the following headings:

- Overview
- Context for change
- New systems 2017
- On-Board Customer Services
- Future design for customer services
- Station Customer Services
- Next Steps

All members welcomed the presentation.

Cllr. N. Foley highlighted that the service provided by Iarnród Éireann is hugely important for Kerry. She acknowledged the improved online service and the different fares on offer. However she was conscious that some people may not be able to use the online service and while it is important to progress it is also important to facilitate others. She acknowledged the presence of staff on the station platform and on the train. When a customer books a seat online their name should appear over a seat but sometimes that is not the case and this must be addressed. Cllr. Gleeson mentioned recently that the lift at Mallow is not always working and it is important to be conscious of those with a disability. Recent reports mentioned that the direct service from Tralee to Dublin would not continue and members made a

submission on this. In fact not only should the direct service continue but there should be more than one direct service daily.

Cllr. M. Gleeson stated he has a great affinity with the railway as he grew up beside it. Visitors to Killarney are amazed that the office at the railway station is not always staffed and the office lies idle during the day. He welcomed the presence of the onboard staff member to sell tickets and to intervene when there is undesirable behaviour on the train. He then moved Notice of Motion No. 1.

1. Pedestrian bridge to directly link the Bus Station and the Railway Station in Killarney

Pursuant to notice duly given Cllr. M Gleeson PROPOSED:

That this Council, as a matter of great urgency and out of respect for individuals dignity, calls on Bus Éireann and Iarnród Éireann to provide a Pedestrian Bridge, incorporating Lifts [elevators], to directly link the Bus Station and The Railway Station in Killarney.

The following report issued:

A similar motion was moved at a meeting of Killarney MD on the 12th February 2016 and the following reply was received from Bus Éireann.

"I wish to advise that both Bus Éireann and Iarnród Éireann received capital grants from the National Transport Authority or Department of Transport, Tourism and Sport for a specific project where a defined business case has been presented and approved.

I am sure you will appreciate that the demand for such investment has significantly exceeded the funding available, therefore, projects are allocated funding on a priority basis. I regret to advise that whilst there is merit in connecting the two stations, funding restrictions prevent us from developing this project in the short term."

A similar motion was also moved at a meeting of Killarney MD on the 14th September 2016 at which it was noted that a reply to the original motion was not received from Iarnród Éireann and it was agreed to again write to Iarnród Éireann. A reply is still awaited from them.

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

"At the outset I wish to acknowledge that Killarney is fortunate to have excellent train and bus services. Both are invaluable for the welfare of both locals and visitors to and from Kerry. The bus and train stations are contiguous and yet they are far apart. And that fact becomes a considerable problem for many commuters. A high percentage of commuters on both services are elderly and some are coming from or going to hospitals.

Having to walk, sometimes on a tight schedule, from one station to the other, can be both physically difficult and mentally distressing. Frequently this walk involves carrying heavy luggage. All the interconnectivity problems could be fairly readily resolved if both companies co-operated in the development of a pedestrian walkway incorporating lifts. Such a facility would greatly convenience all commuters, particularly the sick and the elderly.

The Access group in Killarney is most anxious that its members and all others who are at present being inconvenienced would be shown appropriate respect by both companies.

I call on Bus Éireann and Iarnród Éireann to undertake the requested development and thus help make travel as pleasant as their Advertisements suggest that it is”.

Cllr. D. Grady SECONDED the motion and stated when customers ring Killarney Station there is no one to answer the phone. Some customers cannot book online and they should be facilitated. Tourists also need assistance occasionally. A deputation from Killarney met with Minister Varadkar in the past and he assured them the position would improve and it did. The service provided by Iarnród Éireann is excellent but a staff member should be available at Killarney station.

Cllr. P. Daly stated he uses the train service to Dublin once a month and he supported the views expressed by Cllr. Foley in relation to the direct service to and from Dublin. He asked if Iarnród Éireann would consider removing the wall in front of the station in Tralee to open up the station. While he acknowledged the intention in providing an online service it is beneficial to speak to a member of staff who could advise on the cheapest option available. The online service should direct a customer to deals and best options available.

Cllr. N. Kelleher stated while he welcomed the increased customer services it is important to retain as much customer services as possible. He asked how the plans would impact on smaller stations like Farranfore, Rathmore etc. He highlighted the importance of maintaining existing services into and from the county. The early morning train does not stop in Farranfore or Rathmore and these are important stations for the people of South Kerry. He asked if this train could stop at these stations. Cllr. Kelleher referred to the 12.22 train out of Killarney on a Sunday and said extra carriages are required to facilitate visitors returning home from Killarney as the train is usually packed. He understood this also applies to the Friday afternoon train. He asked that Ms. Cregan's presentation would be circulated to members. In conclusion Cllr. Kelleher thanked the Rathmore community for the plaque to honour Capt. Patrick O'Connor who left Rathmore to serve in the British Army and who never returned.

Cllr. D. McCarthy stated the importance of the train service to Kerry cannot be overstated and it contributes to the success of the county. People who have trains available to them should use them.

Cllr. J. Healy-Rae stressed the importance of the train service to the county and asked that it would be maintained into the future. The online service is excellent but a percentage of commuters are computer literate. He asked that the early morning train would stop at Rathmore and he welcomed the recent agreement by Iarnród Éireann to repair the level crossing at Minish.

Cllr. M. Healy-Rae asked that the current rail service in and out of the county would be maintained. Some times there is no personnel at the station in Killarney and this is very inconvenient. She asked that the Balldribbeen By-Pass would be opened up for pedestrians as it is a very busy road. She welcomed the proposed work at Minish in September as this section of road is dangerous for cyclists.

Cllr. M. Cahill advised that the train service is very important both for people living in Kerry and for the tourism industry. The problem is there are times when no staff member is on duty to answer the phone.

The Cathaoirleach highlighted that 1.6m tourists come to Kerry annually and he asked if an hourly rail could be provided from Tralee to Mallow during the summer months. He also asked that a direct service would be provided with Kerry Airport.

In response Ms. Cregan confirmed that those who cannot book online can do so over the phone. She acknowledged that reservations are not always perfect but having a staff member on board should help. She was not aware of the problem with the lifts at Mallow and Mr. Roche would address that issue. If there is a change in the timetable there is public consultation around it. Having a staff member on board should also be of benefit if there is a problem with anti social behaviour. Ms. Cregan referred to Cllr. Gleeson's request for a bridge connecting the rail station to the bus station in Killarney and stated that the company is fully funded by the Exchequer and while they do not have funding for this bridge the Department of Transport have an accessibility fund and this issue can be discussed with them. The customer service agents will also assist customers with the ticket vending machines and will advise customers of offers and best value. Family tickets are not available online and are only available at stations. No decision has yet been taken on what stations will be self service. Each year a survey of the number of passengers using each station is carried out on the same day and the outcome informs the service to be provided. Unfortunately the rolling stock is not available to allow the flexibility to increase the number of carriages during the summer months and it takes 5 years from the start of the procurement process to get a train. Ms. Cregan advised that there is no suggestion of station closures but staffing levels are being reviewed.

Ms. Cregan stated it is envisaged that there will always be a presence in the station at Killarney and a staff member should be there full time at present. If a call to the station is not answered it is diverted to a call centre. From an operation point of view it is not practical to have an hourly service from Kerry. The provision

of a station and rail line to Kerry Airport would require significant investment. The addition of more stops on a service lengthens the journey time.

Cllr. T. McEllistrim complimented Ms. Cregan and Mr. Roche on the 1916 service organised by Iarnród Éireann and he asked if they plan to have such an event to mark the War of Independence.

Mr. A. Roche thanked members for the opportunity to address the meeting. He acknowledged there was an issue with the lifts at Mallow and stated that the contract for the maintenance of them was awarded to a private company. Occasionally a part must be ordered from outside the country and this can result in a delay. Mr. Roche referred to the query regarding the 12.22 train out of Killarney and the demand for that service can be reviewed. However people who book online get priority. When there is a specific event the trains are changed for that day. If one additional stop is added to the early morning service the train would miss the connection to Dublin at Mallow. Consideration will be given to the removal of the wall at the Tralee Station or what can be done to improve it. Presently there are 26,000 seats for sale between Tralee and Mallow with 16 trains between Tralee and Killarney. In conclusion Mr. Roche advised that the capital cost of moving the station to Kerry Airport would be prohibitively expensive.

17.06.19.10 Approval for the opening of Tenders

- (a) On the PROPOSAL of Cllr. M Cahill, SECONDED by Cllr. B Cronin it was agreed to approve the opening of Tenders for the Dennys Demolition Contract – Closing date: Friday 23rd June, 2017 at 3pm.
- (b) On the PROPOSAL of Cllr. M Cahill, SECONDED by Cllr. JF Flynn it was agreed to approve the opening of Tenders for Eirspan Bridge Management – N70 Waterville Footbridge – Closing date: Friday 30th June 2017 at 3pm.

17.06.19.11 Notices of Motion

Cllr. J. Sheahan moved Notice of Motion No. 2 on behalf of Cllr. J. Finucane.

2. Hosting of a “Development Function” for the Kerry Diaspora

Pursuant to notice duly given Cllr. J Finucane PROPOSED

That this Council would host a “Development Function” where the Members of the Kerry Diaspora would be invited to attend.

The following report issued:

Kerry County Council is actively engaged in promoting investment in the County and through this process recognises the important potential of the Diaspora in raising the profile of the County abroad, in directly investing in

the county or in influencing others to do so. Kerry County Council in partnership with the IDA has developed the website including promotional videos around the concept “Invest in Kerry”.

The Council is currently preparing a submission under the Regional Enterprise Development Fund 2017 in association with industry leaders, to develop a professional marketing strategy for the county to both attract investment and the necessary skills to Kerry. Building the relationship with the Diaspora will be central to this campaign. Kerry County Council will be required to make significant financial resources available in the event of a successful grant application for this project.

4. Support the Life Saving Equipment Bill

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

The Life Saving Equipment Bill is currently being drafted and is due to be published shortly. The legislation, if enacted, introduces a specific new offence of interfering with life saving devices. I ask that this Local Authority wholeheartedly support such legislation including a significant penalty for those found guilty of such an offence.

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

Cllr. N Foley advised that she wanted to highlight that The Life Saving Equipment Bill will be published shortly. Thirteen people die every day due to cardiac arrest and the role of the automatic external defibrillator is critical for saving lives. Two people die every week from drowning due to the loss/unavailability of a lifebuoy and we need to be proactive in protecting this life saving equipment. She PROPOSED that interfering with life saving equipment would be a specific offence.

Cllr. JJ Culloty SECONDED the motion.

7. Call to ring fence "retained earnings distribution fund (2017-2019)" for infrastructure in towns and villages

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

Given the allocation of €187m by the Irish Public Bodies to county councils across Ireland under the "retained earnings distribution fund (2017-2019)" for the purpose of investing this money in the infrastructure of towns and villages in order to prevent accidents on footpaths that Kerry County Council ensure this payment is ring-fenced explicitly for this purpose and not subsumed into general income by the Finance Department.

The following report issued:

IPB has indicated to its Members that, as its reserves are in excess of the regulators requirements, it is in a position to release a proportion of those reserves to its Members.

IPB has recommended to use a significant proportion of the cash reserve releases on;

- **Removing uncertainty by moving to flat rated insurance cover,**
- **Reducing cost by clearing historic retro balances and**
- **Stabilising future premium by investing in risk improvements.**

KCC currently has a retro rated policy in place for its Public Liability (PL) programme. In respect of the retro rated policy IPB charges a minimum premium to KCC and depending on claims settlement activity will collect additional premium in subsequent years to meet these costs.

Kerry County Council closely manages the risks associated with its insurance portfolio. The Management of the Insurance Risk Assessment Unit work with the IPBMI Ltd to ensure all claims are thoroughly investigated and reported on.

In the short and medium term there is a significant risk associated with the cost of insurance premium given claims activity and the recent years' upward price increases, particularly in Employer's Liability, Public Liability and Motor Vehicles cover.

The current model of retro insurance for Public Liability claims, and the consideration of moving from this model to a flat rated premium, requires prudent financial analysis of claims and outcomes and impact on future years' budgets.

The final amount of the reserve allocation for Kerry County Council will require extensive analysis and negotiation with IPBMI in light of the recommendations above.

Cllr. N Kelleher highlighted that he represents Kerry County Council on IPB. A presentation was made to the members on the retained earnings distribution fund. There is €800m in reserve and it has been decided to release €210m back to their clients with €187m to be allocated to Local Authorities around the country. It was pointed out that some legacy issues with local authorities must be addressed. He was well aware of the rising cost of insurance but believed that a significant amount would be received by Kerry County Council from this fund. He asked that a programme for footpaths for the Killarney Municipal District be prepared in advance of this funding becoming available and he requested a commitment that this would be provided for in Budget 2018.

The Chief Executive expressed surprise that funding would be made available to local authorities from this fund. There has been discussion in relation to the increase in premiums and the clearing of retro balances. Because of the approach to insurances a fundamental review will have to be undertaken as it will have a significant impact on the cost to the Council.

Cllr. N Kelleher referred to the presentation made to the members of IPB and said that it was indicated that there is a surplus which would be made available to Local Authorities for the purpose of investing in footpaths in towns and villages in order to prevent accidents.

The Chief Executive reiterated that it will be some time before the issue of a surplus can be considered. The council is facing significant costs and there are considerable demands on funding and this will be considered in the context of the Budget.

8. Shortage of chemotherapy treatment for cancer patients

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

That this Council query the situation with the HSE on the shortage of chemotherapy treatment for cancer patients. How long was the HSE aware of this problem and is it possible that they were only dealing with one company to provide the drug. Has there not been any contingency plan in place? Patients are in a situation where they are receiving half doses and others are being put on palliative treatment. How long is this going to continue?

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

Cllr. R Beasley stated it is difficult enough for cancer patients to deal with treatment and it is unacceptable that the drugs are only being provided by one company.

Cllr. P. Daly SECONDED the motion.

9. Current housing application process

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

Can Kerry County Council confirm the current housing application process. Please include the various stages involved and those staff members that can be contacted at those stages.

The following report issued:

When an application for social housing supports is received it is first checked to ensure that the household is eligible to apply for social housing supports. There are four eligibility criteria:-

- i. Household Income less than €30,000 - €36,000 depending on household composition**

- ii. **Residency status**
- iii. **Alternative accommodation available**
- iv. **Rent arrears**

If the application fails to meet any of the above criteria then the application is closed and the applicant(s) advised accordingly.

- **Once the application has been entered on our records it is then assessed by the Housing Investigations Officer in order to qualify and categorise the household's housing need in accordance with our adopted Social Housing Allocation Scheme 2011. This scheme sets out the manner in which dwellings will be allocated and the order of priority that shall apply to same.**
- **All qualified applicants are then placed on the appropriate housing waiting list as per their household need and areas of choice.**
- **The applicant(s) are notified of the council's decision as to whether they are qualified for inclusion on the housing waiting lists. All information provided by the applicant(s) including application form etc. is placed in their housing file and stored in the housing office.**
- **When a property becomes available for letting/re-letting in an area, the Housing investigations Officer will consider all qualified applicants, having regard to our Social Housing Allocation Scheme, in that area of choice. A recommendation based on the household with the most need for the property is then forwarded to Housing management for consideration and decision. A request for a Garda check is simultaneously submitted for all adult members of that applicant household.**
- **When the decision to allocate is approved by management an offer letter is then issued, subject to the applicant household having a clear Garda Check, by registered post.**
- **However, if any member of the household fails to pass the Garda check then the offer is not issued and the application is placed on stand-by.**
- **The applicant(s) are normally given five working days to respond.**
- **All queries relating to any aspect of the above housing application process can be sent to the following email address housing@kerrycoco.ie where they are logged and acknowledged. A detailed response will then issue in due course.**

Cllr. A. Thornton stated at present she understood when a person is allocated a house all the councillors in the MD are notified. However she believed the notification should only issue to the Councillor who made representations on behalf

of the applicant. She asked that this issue would be referred to the CPG for review.

Cllr. J Sheahan SECONDED the motion.

The Cathaoirleach indicated that Notices of Motion Nos. 10, 15, 19 and 20 would be taken together.

10. Proposed ban on night-time shooting

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

I propose that Kerry County Council make a strong detailed submission to the Fire Arms Consultative Panel of the Department of Justice and Equality and the Minister vigorously opposing the introduction of the proposed ban on night-time shooting and hunting between the hours of 12:00am and 6:00am, from September 1 to March 3, as such a ban will ensure that the fox population will increase dramatically to the detriment of sheep farmers who will have enormous difficulty protecting young and new born lambs. This proposal if implemented, will also have huge repercussions for those involved in poultry, chickens, ducks, turkeys, etc. as up to 90% of foxes hunted are killed at night.

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

Cllr. M Cahill highlighted that hunting and lamping is one of the oldest traditions. Many people do it on a voluntary basis and many farmers hire people to shoot vermin in order to protect their life stock. Decisions such as this are made in Dublin by people who do not understand the impact of loosing lambs and poultry on farmers. The proposed ban is being opposed by the Irish Farmers Association (IFA). Cllr. Cahill asked that Kerry County Council would make a submission to the Fire Arms Consultative Panel of the Department of Justice and Equality opposing the introduction of the proposed ban on night-time shooting.

Cllr. D McCarthy moved Notice of Motion No. 15 as it related to the same issue.

15. Review the proposed curfew on lamping at night

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

To ask Kerry County Council to write to the relevant Minister to review the situation with the curfew on lamping at night.

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

Cllr. D McCarthy said that since becoming a member of Kerry County Council, this is the first occasion that he has seen four Councillors submitting notices of motion on the same issue. As a sheep farmer himself he is very aware of the importance

of protecting lambs from foxes. If the proposed ban is implemented it will have a devastating effect on farmers financially and will ultimately result in reduced incomes for marts.

19. Proposed ban on night time hunting/shooting

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

That Kerry County Council write to the Minister to object to the recent proposal to ban shooting between the hours of 12.00am and 6.00am. This will cause serious implications for farmers trying to protect their livelihoods.

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

Cllr. J.F. Flynn concurred with previous speakers and said that it is important to support farmers on this issue. Many sheep farmers stay up at night to protect their lambs from foxes. He is aware of a sheep farmer who lost sheep valued at €2,000 in one year as a result of attacks by foxes.

20. Proposed ban on night time hunting/shooting

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

That Kerry County Council would strongly oppose any notion of a shooting ban by night which would greatly hurt farmers trying to protect their livelihood.

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

Cllr. J Healy Rae stated that the proposed ban on night time shooting would have a devastating effect on the livelihoods of sheep and poultry farmers. In his opinion some people would like County Kerry to be made a National Park. The people who make this type of proposal are not acknowledging the amount of deer that are carriers of TB in the National Park in Killarney. How can farmers be expected to stand back and watch their lambs being attacked by foxes and a concerted effort must be made to protect the livelihoods of these people.

Cllr. JJ Culloty SECONDED the motions and highlighted that some of his neighbours are sheep farmers and he was aware that the proposed ban on night time shooting would have a negative impact on them personally and financially.

11. Call to amend the sections of the County Development Plan, which are in conflict with articles 43 and 56 of E U Regulations

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

To request that Kerry County Council amend the sections of the County Development Plan, which are in conflict with articles 43 and 56 of E U Regulations specifically, regarding people who when applying for planning permission were having to prove to planners that they were " from the local area/ townland or family

members" and are Kerry County Council open to legal action as a result of they refusing planning permission to applicants on these grounds.

The following report issued:

Current planning policy in respect of rural housing is contained in Chapter 3 Settlement Strategy of Kerry County Council Development Plan 2015 - 2021, which was adopted at Full Council on the 16th of February 2015. Chapter 3 was prepared having regard to the Ministerial guidelines issued under Section 28 of the Planning and Development Acts 2000 – 2016, Sustainable Rural Housing, Guidelines For Planning Authorities.

A high level working group has been established by the Department of Housing, Planning Community and Local Government to examine a recent European Courts of Justice ruling, and to ascertain, if any, the implications on planning policy nationally and we await their conclusions.

The department has also advised in a Circular Letter PL 2/2017 dated the 31st of May 2017 that until the report of the working group is complete and any revised guidelines under section 28 of the Planning & development Act as amended are issued Local Authorities should defer amending their rural housing policy / local need criteria presently contained in their County Development Plan.

Cllr. B Cronin stated in accordance with the provisions of the County Development Plan a planning applicant must be from the area before they will be considered for permission and applicants from neighbouring parishes are advised that they will not be granted permission. He asked if the Kerry County Development Plan complies with the outcome of the recent European Court of Justice ruling and does it impact on refusals already issued. While the Kerry County Development Plan was being formulated the Department of Environment was aware of this ruling and did not bring it to the attention of local authorities and as a result local authorities could be in breach of these two sections of the regulations.

When the County Development Plan was being formulated senior planners gave direction to Council and members depended on that advice. He asked if the County Development Plan now contravenes European legislation, will it have to be amended and what changes will be required. Cllr. Cronin asked when members are debating such important issues in future is there a requirement for them to get independent legal opinion.

Cllr. J.J. Culloty **SECONDED** the Motion and said that he was very concerned about this matter. Members should be made aware of this ruling at the time. Applicants within a 5km radius who have ties to the area should be given favourable consideration.

The Chief Executive referred to the reply and said that this ruling is complex. At the time the County Development Plan was made it was fully compliant with legislation in place at that time. The Department of Housing, Planning Community and Local Government set up a high level working group to examine a recent European Courts of Justice ruling, and to ascertain the implications, if any, on planning policy nationally and their conclusions are awaited. She said in the many cases the reasons for the refusal of planning permission are multiple and it is rarely due to a single issue.

Cllr. JJ Culloty asked when the report on the conclusions of the working group will be available.

The Chief Executive said that she understood that the report would be available within the next few weeks as this matter is a priority for the Department.

Cllr. B Cronin said that many refusals are because the applicant is not from the area.

Cllr. B Cronin then moved Notice of Motion No. 26.

26. Proposed introduction of development charges for agricultural units

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

That we the members of Kerry County Council continue to ensure that the status of agriculture sheds remain as "exempt" from development levies.

The following report issued:

A draft development Contribution Scheme was noted by the Council on the 27th of March 2017 and placed on public display on the 5th of April. The Chief Executive is, at present preparing a report on the submissions received. It is intended to bring the draft Scheme together with the Chief Executive report to the July ordinary meeting for consideration by the members.

Any amendments to the draft development contributions scheme should be considered in their entirety as they will have an impact on the overall level of potential income realisable under the scheme.

Cllr. B. Cronin said that if imposed this will have a detrimental effect on farming and he did not agree with the last paragraph of the response. Agricultural sheds have never before been targeted for the payment of development levies and he recommended that they remain exempt.

Cllr. A. Thornton moved Notice of Motion No. 24 as it related to this topic.

24. Proposed introduction of development charges for agricultural units

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

I am asking the members of Kerry County Council to support my opposition to the introduction of development charges under the new proposed Development Contribution Scheme for agricultural units.

The following report issued:

A draft development Contribution Scheme was noted by the Council on the 27th of March 2017 and placed on public display on the 5th of April. The Chief Executive is, at present preparing a report on the submissions received. It is intended to bring the draft Scheme together with the Chief Executive report to the July ordinary meeting for consideration by the members.

Any amendments to the draft development contributions scheme should be considered in their entirety as they will have an impact on the overall level of potential income realisable under the scheme.

Cllr. A. Thornton stated she was totally opposed to the introduction of development levies on agricultural units.

12. Repair and Leasing Scheme

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

Can Kerry County Council provide the following information on the implementation of the Repair and Leasing Scheme in Kerry, what number of applications was received, what number of applications was approved and how many additional houses did the new scheme add to the system.

The following report issued:

Kerry County Council advertised on 17th May, 2017 for submissions from interested persons in providing their property for consideration under the Repair & Leasing Scheme in Kerry. As at 1st June, 2017 we have approximately 60 applications received. These applications are currently being assessed.

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

“As you are aware the principal objective of the Repair and Lease scheme is to deliver additional social housing units quickly using existing long term lease arrangements funded under the Social Housing Current expenditure programme. The scheme is also aimed to target remediation of vacant units and target urban renewal in parallel.

The Scheme in conjunction with other schemes such as new buyers grant and the HAP scheme were an attempt to remedy a situation where we have a shortage of social housing supply.

My fear, even though these schemes are well intended and are based on logic, they are not going to provide the level of additional supply required.

My experience in dealing with people looking for housing is that houses are not available to rent. The houses are not there. Recently we are seeing an upswing in the price that houses are selling for. As a result of this some landlords are taking the opportunity to sell and get out of the business of letting property. In some instances these are houses that were bought at the height of the boom and the current market gives owners an opportunity to get back most of their investment. The problem this raises of course is that tenants are being given notice to quit and they cannot find another property to rent.

We need Central Government to recognise that the only viable solution to the current crisis is fund Local Authorities so that they can get back to building social housing”.

Cllr. Lucid acknowledged that 60 applications for the Scheme have been received to-date but he did not think that this initiative would address the social housing shortage. Many landlords who bought their properties during the housing boom are now selling due to improved house prices. Central Government should make funding available to Local Authorities to address the current housing situation.

Cllr. M Cahill **SECONDED** the motion and said that the Repair and Leasing Scheme has its merits. It is just one of many ways of addressing the current housing crisis. In his opinion the reason only 60 applications for the scheme have been received is that the maximum cost of repairs allowable under the initiative is only €40,000 and this is not adequate. Cllr. Cahill called on the Minister for Housing to consider increasing the funding to €100,000.

13. Speed restriction zone of 50km at Beaufort Bridge

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

That Kerry County Council write to the TII to call for a speed restriction zone of 50km to be implemented at the busy junction of Beaufort Bridge on the N22 Killarney Killorglin Road.

The following report issued:

The national road network, including this section of the N72, has been assessed by Transport Infrastructure Ireland (TII) as part of the speed limit review. There are proposals for a reduction in the speed limit on various sections of the National Secondary Road network, particularly on the Ring of Kerry, from 100 kph to 80 kph.

Briefings will be provided to the members at MD level on the proposals in advance of the draft Bye-Laws going on public display. These briefings are being scheduled over the next 6 weeks and it is our intention to commence the statutory consultation process on the draft Bye-Laws in September.

Cllr. J Sheahan said that the owner of a filling station is concerned that a fatal accident will occur at this location due to speeding traffic. A reduction in the speed limit would have a positive impact on the local community, help a local business to survive and improve access to the N22 Killorglin/Killarney road. He called for a reduction in the speed limit at this location.

Cllr. J.J. Culloty **SECONDED** the motion.

Cllr. J. Moloney indicated he wanted to withdraw Notice of Motion 14 as he submitted it prior to the publication of the new Wind Energy Guidelines.

16. Call to set up a County Committee of Agriculture in Kerry

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

Calling on Kerry County Council to set up a County Committee of Agriculture in Kerry for the enhancement of agriculture throughout Kerry.

The following report issued:

There is an existing strong influence in the development of policy from the Agricultural Sector throughout the remit of Kerry County Councils Activities. The sector is already represented on the following SPCs (1) Economic Development and Enterprise (2) Operations (3) Quality of Life. The purpose of sectoral representation on SPCs is to allow the representative from specific sectors such as agriculture to input into policy formulation which affects or impacts on their sector. Similarly the sector is represented through the LCDC and the Local Action Group under the LEADER strategy, both of which have a strong influence on economic & community development within the county. In parallel with these formal structures the Chief Executive and Senior Officials of the Council engage with representatives from the agricultural sector and discuss areas of concern and identify projects of mutual benefit where the sector and the Council can co-operate.

Cllr. T McEllistrim read the following into the record of the meeting:

"The agriculture sector is of significant importance to the economy in Co. Kerry with over 8000 farmers, and a farmland area in excess of 280,000 hectares. There are 9,500 people employed directly at farm level.

Agriculture in Kerry supports 1,000's of jobs in the rural economy, both directly in food and drink processing and also in the wider agri industry including input-

suppliers, agricultural contractors, jobs in auctioneering, transport and engineering, and in accountancy, legal, veterinary and other advisory services.

The value of agricultural output in Kerry is €385 million and the value of agricultural exports arising from the agricultural output in the county is €564 million. Agriculture has a huge knock on effect in the wider economy, with every €100 of agricultural output producing a further €73 in the rest of the economy.

Does Brexit affect agriculture?

Brexit arguably poses one of the biggest risks to farmers, exporters and (agri-food) jobs, since the foundation of the state. At the end of the separation period (March 19) the UK for example may

- 1. Impose tariffs, which tend to be quite high for foods like dairy and beef.*
- 2. Decouple from EU standard, adding many new regulatory checks, delays and costs.*
- 3. Remove tariffs from low cost regions like South America, making it extremely difficult for Irish farmers and producers to compete.*
- 4. Impose border controls around Northern Ireland making it harder, slower and costlier to move product North and South.*

How badly is the Agri-Food sector exposed to Brexit.

It is the most exposed given that 37 % of all Irish food exports are exported to the UK (€4.1B in 2016), half of our Beef exports and a quarter of our dairy exports go to the UK!

With almost 80% of its employment outside Dublin, the sector supports, 270,000 jobs in rural communities. We have Kerry Group and Lee Strand here.

Teagasc estimates that a 10% fall in EU funding to the Common Agricultural Policy, along with lower UK food prices due to tariffs, could reduce farm incomes in Ireland by 26%.

The worst affected sector would be the low income beef sectors. Direct payments account for 2/3's of total farm income across all sectors.

Farming is a low income sector, with the average income in 2016 at €26,000. The average suckler farm income was €12,500 and the average sheep farm income was €15,000.

Doing nothing is not an option with the potential problems coming down the tracks that we are facing with Brexit”.

Cllr. D McCarthy then moved Notice of Motion No. 31 as it relates to this topic.

31. Call to set up an SPC for Agriculture

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

To ask Kerry County Council to set up an SPC for Agriculture to represent the views and issues for all those involved in agriculture in the County.

The following report issued:

There is an existing strong influence in the development of policy from the Agricultural Sector throughout the remit of Kerry County Councils Activities. The sector is already represented on the following SPCs (1) Economic Development and Enterprise (2) Operations (3) Quality of Life. The purpose of sectoral representation on SPCs is to allow the representative from specific sectors such as agriculture to input into policy formulation which affects or impacts on their sector. Similarly the sector is represented through the LCDC and the Local Action Group under the LEADER strategy, both of which have a strong influence on economic & community development within the county. In parallel with these formal structures the Chief Executive and Senior Officials of the Council engage with representatives from the agricultural sector and discuss areas of concern and identify projects of mutual benefit where the sector and the Council can co-operate.

Cllr. D McCarthy said farming is an important industry in the county and should be encouraged. An SPC for Agriculture would give farming organisations such as the IFA the opportunity to raise issues relevant to agriculture and food production.

The meeting adjourned for lunch at 3.40pm

The meeting resumed at 4.05pm.

18. Call to increase the present threshold for single persons and families to qualify for social housing

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

We the members of Kerry County Council pass a resolution demanding that the Minister for Housing and the Government increase the present threshold for single persons and families to qualify for social housing.

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

Cathaoirleach, Cllr. M. O'Shea said that middle Ireland is poor Ireland and people earning between €30,000 and €60,000 cannot get a mortgage. People who find themselves in this situation are paying exorbitant rents and this issue must be addressed as soon as possible. The income threshold to qualify for social housing must be increased.

Cllr. J.J. Culloty **SECONDED** the motion.

21. Call to increase the HAP payment for social housing tenants

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

To ask Kerry County Council to engage with the Minister for Housing to increase the HAP payment for social housing tenants as they are being deprived from private renting because rents are gone up.

The following report issued:

The Housing Directorate is in communication with the Department of Housing, Planning, Community & Local Government in relation to the thresholds on the HAP scheme and evidence based data is being gathered to prove that the thresholds are an issue in Kerry.

Cllr. M. Healy Rae acknowledged the reply and said that the current payment is preventing people from taking part in the scheme. It costs €900 per month to rent an apartment in Kerry while it is €950 to rent a 4 bedroom house in Cork. The rental cap is €575. She said that it is difficult to understand how rental caps are decided.

Cllr. J Healy Rae SECONDED the motion and welcomed that evidence based data is being gathered. A considerable amount of student accommodation in Cork is no longer available as it has been converted to Air B&B. The Government has not responded to this issue.

Cllr. J. Lucid moved Notice of Motion No. 22 on behalf of Cllr. D. Nolan.

22. Request 1916 commemorative Medals for members of the Fire Service who were employed during 2016

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

That Kerry County Council request 1916 commemorative Medals for members of our Fire Service who were employed during 2016 in recognition of the important public service which they provide in the protection of our people.

The following report issued:

We have been advised by the Department of Defence that in honour of the role played by Civil Defence volunteers at the commemorative events throughout 2016, Mr. Paul Kehoe TD, Minister with responsibility for Defence has authorised that a commemorative medal be commissioned for Civil Defence. The medals will be awarded to all members of Civil Defence who were in active service with Civil Defence at any time during the year between 1 January 2016 and 31 December 2016.

We have not, to date, been advised of any such national initiative regarding the Fire Service.

23. Advertising on roadways

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

Has the Council formulated a definite policy on [a] the placing of Advertising hoardings along the margins of roadways and [b] Advertising on portable Bill Boards and Trailers along the roadsides and in fields adjoining roadways?

The following report issued:

Local authorities have widespread powers under the Roads, Planning & Development and Litter pollution legislation in relation to the removal of unauthorised advertising hoardings both along the margins of roadways and in private property adjoining public roads. The proliferation of signage along our roadways particularly in the summer season is both a blight on the landscape and also may pose a potential serious road hazard.

In recognition of the increase in unauthorised signage the council has agreed a strong enforcement campaign across the four municipal districts to be driven by the MD engineers supported by the MD planners and planning enforcement section. The actions being undertaken will include the immediate removal of signage, the serving of appropriate notices, subsequent prosecution and cost recovery. Unauthorised signage will be pursued vigorously by the Council.

Cllr. M Gleeson acknowledged this response and said that it sums up what he is seeking. He asked that Kerry County Council would ensure that this practice is stopped as roadsides into the county are diminished by illegal advertising.

25. Provision of a dedicated Lyme Disease Treatment Unit in the Southern Region of the country.

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

That Kerry County Council call on the Minister for Health, Simon Harris TD, the HSE and the Department of Health to provide a dedicated Lyme Disease Treatment Unit in the Southern Region of the country as a matter of extreme urgency, as this horrible condition is becoming more prevalent, particularly in our own county and it is highly unacceptable to be sending more and more people abroad for treatment.

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

Cllr. M Cahill stated that a presentation on Lyme Disease was made to the members at the last meeting. This debilitating disease caused by ticks is not understood by the public or GP's. Dr John Lambert who specialises in the treatment of infectious diseases has said that he treats four new cases of Lyme Disease each week in his clinic in Dublin. Lyme neuroborreliosis is the most widely known strain of the disease and false results can make recovery longer.

The National Parks & Wildlife (NPWS) should erect signage in parks within their remit, warning of the risk of tick bites that may result in this disease. Cllr. Cahill asked that a consultant who treats infectious diseases be based at University Hospital Kerry and that all blood tests taken by GPs be tested for Lyme Disease.

Cllr. J. Sheahan moved Notice of Motion No. 27 on behalf of Cllr. J. Finucane.

27. Direct air link between Farranfore and Amsterdam Schiphol Airport

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

That Kerry County Council in conjunction with Kerry Airport would endeavour to seek a direct air link between Farranfore and Amsterdam Schiphol Airport which is a world hub airport.

The following report issued:

Kerry Airport is currently assessing the feasibility of the proposed route, taking into consideration the economic drivers in the region, the potential take up of such a service and the existing regional services to Amsterdam. Kerry County Council is supportive of this initiative and will assist in progressing same.

28. Billing of farmers for non domestic water that has not been utilized

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

That Kerry County Council write to Irish Water to request that they discontinue their policy of billing farmers for non domestic water that has not been utilized. This practice needs to be reviewed and it's time for a level playing field.

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

Cllr. J Sheahan said that it is grossly unfair that farmers have to pay for non domestic water connections that are not being used. This issue needs to be reviewed and he asked why these customers cannot be charged for usage only.

Cathaoirleach M O'Shea SECONDED the Motion.

Cllr. J. Lucid moved Notice of Motion No. 29 on behalf of Cllr. Beasley.

29. Call to reject the proposals of TII in relation to connectivity between Dublin and the south of the Country

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

That this Council reject the proposals of Transport Infrastructure Ireland (TII) in relation to connectivity between Dublin and the south of the Country.

The following report issued:

This is a matter for consideration by Council. However Kerry County Council is not aware of any proposals published by the T.I.I. for a new road scheme connecting Dublin and the south of the country.

The M20 Cork – Limerick route, for which a preferred route was previously identified, has been suspended since 2010, primarily due to a lack of funding to progress the scheme, and no provision was made for the scheme in the Government’s Capital Investment Plan 2016 – 2021. Given the strategic importance of this route to the south west region and east Kerry, the Council included for the provision of this route in our submission on the new National Planning Framework and the mid – term review of the Government’s Capital Investment programme.

Following an announcement of funding in late 2016, the Council is aware that the scheme is currently under review. Should amendments to the preferred route of the scheme be identified in any such review, these can be assessed and consideration given to making a submission on any such proposals

30. Assist residents in estates where the bond is in place

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

That Kerry County Council assist residents in estates where the bond is in place and the light and other services are not functioning. In some cases residents can not find out how or whose name the utility bills are in.

The following report issued:

Kerry County Council has made substantial progress over the last number of years in addressing issues identified in unfinished housing estates across the County. Works have been carried out in many of the more problematic estates which has greatly improved the quality of life for residents living in these estates. In addition 124 Housing Estates have been taken in charge in the county since 2009. We have lodged 116 claims with Financial Institutions seeking payment of the proceeds of the bonds to complete outstanding works on unfinished estates and we are in continuous negotiations with these Financial Institutions to have the outstanding works addressed either by contractors retained by the Financial Institutions or through payment of the claimed bond.

The Council is restricted on what assistance it can provide to residents in private estates. As members are aware, when an estate is formally taken in charge by the Council, we take responsibility for the ongoing maintenance of the services. The responsibility for the maintenance of private estates rests with developer /management company/residents, until the estate is taken in charge.

However, the Council recognizes that there have been difficulties in a limited number of estates, where there is no outstanding bond in place and where the public lighting has been disconnected. Accordingly in the Public Lighting Policy, adopted by Council in May 2016, provision is made to consider a request for the taking in charge of the public lighting infrastructure in advance of the taking in charge of other infrastructure in exceptional circumstances. However, this is conditional on the developer and/or management company for the development providing certification as specified in the grant of permission for the development and Kerry County Council being granted explicit permission to enter on the lands of the development for the maintenance and upkeep of the lighting infrastructure.

Cllr. J Moloney welcomed the reply and acknowledged the ongoing work on behalf of residents.

Cathaoirleach M O'Shea **SECONDED** the Motion.

32. Call on the government to immediately tackle the spiralling cost of all insurance

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

We the members of Kerry County Council pass a resolution to ask the current government to immediately tackle the spiralling cost of all insurance.

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

Cathaoirleach M. O'Shea highlighted that the cost of vehicle insurance in this country is prohibitive. A bus operator in Mid Kerry is now paying approximately €7000 to insure a bus for a year. The judiciary must be held responsible for the substantial sums that are awarded to claimants. He was concerned that people may drive without insurance as young drivers cannot afford the premiums. This is solely an Irish issue and must be addressed.

Cllr. D. McCarthy **SECONDED** the motion and said the amount paid out in insurance claims must be reduced as the rising cost of insurance is impacting on every household in the country.

Cllr. M. Healy Rae stated that vehicle insurance has become unaffordable for many people and the Government has not intervened.

Cllr. J.J. Culloty supported the motion. In the late 1990's the cost of insurance had increased by 400% and lobby groups got involved and as a result insurance premiums were reduced.

33. Implications of Brexit for students studying in the UK

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

That Kerry County Council write to the Minister of Education to highlight the issue of students that are studying in the UK and the implications that might face them over Brexit. There are many students from this county studying at present in the UK and we must make sure when the negotiations are going on that this issue will be raised.

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

Cllr. J.F. Flynn stated Kerry has huge connections with the UK with regard to education, the health system and the diaspora. There is now an opportunity for IT Tralee to offer more courses to attract students who previously would have gone to the UK to study. There is a shortage of accommodation for students at present and it is important that this is addressed. The Government must ensure that Irish people can avail of the health services in the UK post Brexit.

Cllr. M Cahill SECONDED the motion.

34. Delays in farmers receiving GLAS payments for last year

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

That Kerry County Council would write to the Department of Agriculture highlighting the fact that a large number of farmers have not received their GLAS payments for last year yet.

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

Cllr. J. Healy Rae said that GLAS is an agri-environment scheme, to incentivise farmers to apply agricultural production methods compatible with the protection of the environment. It was intended that participants would be paid by the end of February but 70% had not received payments by the end of June. He asked that a letter issue to the Department of Agriculture advising that this scheme is not working. In the case of the owners of commonage, if one owner's payment is stopped the payments to all owners are also stopped.

Cllr. D McCarthy supported the motion and stated that many farmers are in limbo with regard to GLAS payments. This is one of the reasons why he proposed that Kerry County Council should consider setting up an SPC for Agriculture.

35. Current planning policy in respect of rural housing

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

To ask Kerry County Council what they have done or will do following the EU ruling in relation to planning and various clauses which are preventing local people from putting a roof over their heads.

The following report issued:

Current planning policy in respect of rural housing is contained in Chapter 3 Settlement Strategy of Kerry County Council Development Plan 2015 - 2021, which was adopted at Full Council on the 16th of February 2015. Chapter 3 was prepared having regard to the Ministerial guidelines issued under Section 28 of the Planning and Development Acts 2000 – 2016, Sustainable Rural Housing, Guidelines For Planning Authorities.

A high level working group has been established by the Department of Housing, Planning Community and Local Government to examine a recent European Courts of Justice ruling, and to ascertain, if any, the implications on planning policy nationally and we await their conclusions.

The department has also advised in a Circular Letter PL 2/2017 dated the 31st of May 2017 that until the report of the working group is complete and any revised guidelines under section 28 of the Planning & development Act as amended are issued Local Authorities should defer amending their rural housing policy / local need criteria presently contained in their County Development Plan.

Cllr. M. Healy Rae stated that she wanted to highlight this matter as current planning policy in respect of rural housing is a serious concern for planning applicants in rural areas. She was aware of an applicant in Headford and another in Muckross who had acquired sites but were advised that they would not be granted permission as they did not comply with the Rural Settlement Policy even though they were renting in the area for a number of years. While she acknowledged that regulation is required this is having an adverse impact on local communities. Rents are increasing and the social housing list is getting longer therefore clarity on this matter is urgently needed.

Cllr. J. Healy Rae stated that planning should be opened up as he was aware of an applicant from Muckross who was refused permission because of urban pressure even though he was from the area. Every effort must be made to retain people in rural areas.

17.05.15.12 Conferences and Seminars

- (a) On the PROPOSAL of Cllr. JF Flynn, SECONDED by Cllr. D McCarthy it was agreed to approve the attendance of Cllr. T O'Brien at meetings with the IDA and AIB held in Dublin on the 4th April, 2017.
- (b) On the PROPOSAL of Cllr. JJ Culloty, SECONDED by Cllr. J Moloney it was agreed to approve the attendance of the Cathaoirleach at the UCC Annual Honorary Conferings held in Cork on Friday 2nd June, 2017.
- (c) On the PROPOSAL of Cllr. D McCarthy, SECONDED by Cllr. J Lucid it was agreed to approve the attendance of Cllrs. Fitzgerald and Sheahan at the iRoute Conference on the theme Integrated rural urban Transport Evolution to be held in Kilkenny on the 27th and 28th June 2017. Cllr. Fitzgerald was nominated to report back to Council on this Conference.
- (d) On the PROPOSAL of Cllr. J Moloney, SECONDED by Cllr. J Sheahan it was agreed to approve the attendance of Cllrs. Cronin, Kelleher and Sheahan at the Douglas Hyde Conference 2017 to be held in Ballaghaderreen, Roscommon from the 13th to 15th July 2017. Cllr. Kelleher was nominated to report back to Council on this Conference.

17.06.19.13 Correspondence General

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

1.	Letter dated 10 th May 2017 from the Office of the Minister for Communications, Climate Action & Environment in response to a resolution from Kerry County Council in relation to the ring-fencing of a percent of the income from National Broadcasting Licences for local Radio Stations.
2.	Letter dated 11 th May 2017 from Revenue in response to a resolution from Kerry County Council in relation to the availability of assistance for members of the public in relation to claiming tax credits.
3.	Letter dated 11 th May 2017 from the RSA in response to a resolution from Kerry County Council in relation to NCT for tractors.
4.	Email dated 23 rd May 2017 from the Office of the Minister for Health in response to a resolution from Kerry County Council calling on the Government to tackle the rising number of suicides, especially in rural counties.
5.	Letter dated 24 th May 2017 from the Department of Transport, Tourism and Sport in response to a resolution from Kerry County Council in relation to the proposal to introduce an NCT/DOE for tractors.

6.	Email dated 25 th May 2017 from the Office of the Tánaiste & Minister for Justice in response to a resolution from Kerry County Council in relation to a review of the Free Legal Aid system.
7.	Letter dated 26 th May 2017 from the Commission for Energy Regulation in response to a resolution from Kerry County Council in relation to a tariff review.
8.	Email dated 31 st May 2017 from the Minister for Communications, Climate Action & Environment in response to a resolution from Kerry County Council in relation to the provision of high speed broadband.

17.06.19.14 Any other business

Training Events

Cllr. J Healy Rae requested that details of upcoming Training Events would be notified to members a month before they are held.

Mr. L. Quinlan undertook to convey this request to the training provider.

Overgrown hedges at junctions

Cllr. J.J. Culloty asked management to arrange to have overgrown hedges at junctions cut to improve sight distance for road users.

The meeting concluded at 5.15pm

Liam Quinlan
Meetings Administrator

Cathaoirleach of Kerry County Council