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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMPHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ AR AN LUAN, 12 MÁRTA 2018**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 12<sup>TH</sup> MARCH, 2018**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**IN ATTENDANCE/I LÁTHAIR**

Ms. M. Murrell, Chief Executive	Mr. J. Breen, Director Water Services
Ms. A. McAllen, Head of Finance	Mr. M. Scannell, Dir. Job Cr/Sust. ED
Mr. M. O'Donoghue, Dir.Hsg. & Corp.S.	Mr. C. O'Sullivan, Director of Operations
Mr. L. Quinlan, Meetings Administrator	Ms. J. McCarthy, SEO Tourism
Mr. O. O'Shea, Press & Comm. Officer	Mr. T. Sheehy, SE Operations
Ms. C. Farrell, SEO Housing	Ms. B. Conway, AO Corporate Support
Mr. J. Griffin, Tourism Officer	Ms. B. Reidy, SSO Corporate Support
Ms. S. Broderick, SO Corp. Support	
Ms. M. Conway-Sweeney CO Corp. S.	

The meeting commenced at 10.35 a.m.

Cllr. J. Sheahan took the Chair.

At the outset of the meeting Cllr M O'Shea wished to pay tribute to Beth Reidy, SSO Corporate Support, on her upcoming retirement. He expressed his thanks to Beth for her outstanding service stating she was a 'guidance Councillor' to all.

Cllr L Purtill, on behalf of the FG Cllrs, wished her a long and happy retirement adding that she was always available to the Cllrs and she was held in high regard by them.

Cllr A Thornton wished Beth health and happiness in her retirement adding she was huge support to her as a new Cllr, stating she displayed professionalism, empathy and understanding.

Cllr M Gleeson thanked Beth for her courtesy and assistance to Cllrs and new staff alike.

Cllr T O'Brien thanked Beth for her generosity and courtesy.

Cllr D Grady thanked Beth for her guidance and clarity.

This was supported by Cllr S Locke who referred to her guidance and strength and wished her well.

Cllr T Ferris stated she demonstrated modesty in her day to work, providing guidance and support and she was held in the highest esteem by all

Cllr R Beasley stated she could not have treated the Cllr better, providing guidance and assistance where needed and wished her well.

Cllr T Barry, as the newest Councillor stated he would not have settled in so quickly without her assistance and was sad to see her depart so soon.

Cllr M Cahill, as the longest serving Cllr, supported all previous sentiments, adding that she was always approachable and courteous and extended his thanks for all she had done.

Cllr N Foley wished to be associated with all previous sentiments citing her professionalism, dedication, generosity, and kindness in the best and worst of times, who minded and mentored- a 'phenomenal woman whose loss is the greyhounds gain.

Cllr J Healy-Rae, on behalf of the family, expressed his gratitude to Beth for her service which was carried out with professionalism and care stating her understanding of the Cllr's role was outstanding. She was fair to each and every Councillor. He wished her the best in her new role in farming and greyhounds.

Cllr B Cronin wished to be associated with the previous speakers stating he heeded the advice of his late father to 'listen to Beth' and he wouldn't go wrong. She is the epitome of calm and thanked her for her guidance and advice. He wished her well and enjoyment in her retirement.

Cllr J Lucid wished to be associated with the sentiments of the previous speakers and thanked Beth for her kindness, generosity and dedication, stating she was a credit to Kerry County Council.

Cllr G Spring commended Beth in assisting him with a very smooth transition to Councillor 4 years ago adding she welcomed all with a warm smile.

Cllr D Quigg wished to be associated with all previous sentiments adding she assisted all with guidance, advice and patience.

Cllr B O'Connell added Beth had a long and distinguished public service. He commended her on her honesty, efficiency and support towards him.  
Cllr P McCarthy stated no adequate words were available to express his sentiments towards Beth only she was 'queen' of her role, referring to her help advice and support towards Councillors.

The Cathaoirleach, Cllr J Sheahan wished to be associated with all the sentiments expressed and thanked Beth for her advice, assistance and support especially during his time as Cathaoirleach.

The Chief Executive, Moira Murrell echoed the sentiments expressed and referred to her support and guidance to all staff. She commended Beth on her outstanding public service.

### **18.03.12.01 Cathaoirleach's Report on the CPG meeting held on 6<sup>th</sup> March 2018**

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

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

Mr. L. Quinlan briefed the meeting on the Agenda for the March Council Meeting and he advised that a Civic Reception for Mick O'Dwyer would be held at 1.30pm on the day of the Council Meeting.

A discussion took place on issues around homelessness, housing allocations, assessment of housing needs and anti-social behaviour having regard to the Council Agenda item on the Update on the Housing Programme.

The CPG agreed that a Pilot Project would be considered in conjunction with KETB whereby a Life Skills Course would be developed which will be offered to prospective tenants to be run in tandem with existing pre-tenancy courses.

#### **Training and Development Programme for Councillors 2018**

Mr. L. Quinlan stated a letter had issued to all members setting out the requirement to adopt a Training and Development Programme for Councillors each year and the 2018 Programme will be presented to the March Meeting.

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

Cllr. M. Kennelly advised that the next meeting of the Operations SPC would be held on Friday 9<sup>th</sup> March.

Cllr. J. Finucane advised that the next meeting of the Economic Development and Enterprise SPC will be rescheduled as the proposed date was clashing with a Kerry Business Leaders Conference.

Cllr. N. Kelleher stated the next meeting of the Quality of Life SPC will be held in the coming weeks.

In Cllr. Locke's absence Mr. J. Breen stated that the next meeting of the Tourism, Culture, Arts and Recreation SPC will be held in April.

### **Request for Municipal District Honours/Reception**

CPG agreed to defer all requests to the April CPG meeting in accordance with the Conferring of Civic Honours Protocol.

### **Any other business**

#### **LIS**

Mr. C. O'Sullivan stated the allocation for LIS was received the previous week and details will issue to members shortly. There are 72 roads remaining on the list and 40 approx. will be progressed from the allocation. However, he was hopeful that additional funding will become available at a later date and an application for supplementary funding will be submitted for the remaining roads on the list. New applications will be invited in 2018 and it is intended that all applications received by the closing date together with those on hand will be assessed by the end of the year. Following queries Mr. O'Sullivan confirmed that the contribution required from applicants under the Community Involvement Scheme is prescribed by the Department.

#### **PEFC Irish Forest Certification Standard**

Mr. J. Breen informed the meeting that the forests of Coillte Teoranta, The Irish Forestry Board, are undergoing independent evaluation to verify ongoing compliance with The Programme for Endorsement of Forest Certification Irish Forest Certification Standard.

The PEFC Irish Forest Certification Standard sets out strict environmental, social and economic requirements which woodland owners, managers and certification bodies can use to verify woodland management compliance.

An important part of the evaluation requires that forest users/ stakeholders are informed and given an opportunity to comment on any aspect of forest management. NSAI have invited submissions by **22nd March 2018**. Among the issues referenced in the Standard are Compliance with the Law, Management planning, Woodland Design: Creation, Felling and Replanting, Operations, Protection and Maintenance, Conservation and enhancement of Biodiversity and The Community.

Mr. Breen added that it is our understanding that there will be a 5 fold increase in felling activities in Kerry Forestry plantations over the coming years and thus it is intended that a submission will be made addressing matters such as set back from roads , felling transport routes , engagement with local communities and consultation on establishment and felling of forestry , sustainable fertilizer applications and other miscellaneous matters which Kerry County Council would have an interest in.

In conclusion Mr. Breen stated that any other issues that members raise can be included in the submission.

Cllr. S. Fitzgerald asked that the submission would highlight the need to carry out an annual clearing of fire breaks.

Cllr. M. Kennelly asked that reference would be made to the requirement to repair any damage caused to the road infrastructure by harvesting.

Mr. O'Sullivan advised that it is planned to target one route that would be used by vehicles transporting timber and that this route would be improved.

Cllr. J. Finucane highlighted that at present just 13% of trees planted must be hardwoods and as a result forestries do not have any real amenity value. He asked that this percentage would be increased.

### **Organising of St. Patrick's Day Parades**

The Chief Executive advised the meeting that Retailers Ireland have asked local authorities to promote St. Patrick's Day Parades in support of businesses who lost out during the recent severe weather event and that where feasible parades would be moved to Sunday 18<sup>th</sup> March. However, she acknowledged that most parades have already been organized at this time.

### **Severe weather**

The CPG commended all staff for their excellent work during the recent severe weather event. Members also thanked management for keeping them briefed regularly. They also commended the emergency services who continued to provide an excellent service during and despite the Red Weather Alert.

### **Speed Limit Review**

Mr. C. O'Sullivan informed members that the briefings for the MDs have been completed and staff are liaising with the TII on a number of issues. It is intended to publish the Draft Speed Limit Bye-Laws by the end of March following which there will be a period of public consultation when submissions will be invited from the public. It is hoped to present the Draft Speed Limit Bye-Laws to the June Council meeting for adoption.

### **Proposed visit to Brussels**

Mr. L. Quinlan informed members that details of the proposed visit to the EU in Brussels on the 25<sup>th</sup> and 26<sup>th</sup> April were circulated to members when they were asked to indicate their interest in partaking in this visit. To-date 8 members have confirmed their interest in travelling.

The Chief Executive highlighted that a further 3 members could be facilitated and an intense programme of meetings has been arranged for this important Study trip.

### **Beth Reidy – Retirement**

The CPG Members extended their best wishes to Beth Reidy on her upcoming retirement. They also expressed their sincerest gratitude to Beth for all the help extended to them by her in her role in Corporate Support over many years."

## **18.02.12.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. R Beasley, SECONDED by Cllr. M. Gleeson. It was resolved that the minutes of the LPT Meeting held on the 25<sup>th</sup> September 2017 be confirmed.
- (b) On the PROPOSAL of Cllr. B Cronin, SECONDED by Cllr T O'Brien. It was resolved that the minutes of the Budget Meeting held on the 13<sup>th</sup> November 2017 be confirmed.
- (c) On the PROPOSAL of Cllr. B O'Connell, SECONDED by Cllr N Moriarty It was resolved that the minutes of the February Ordinary Meeting held on the 19<sup>th</sup> February 2018 be confirmed.

### **18.03.12.03 Chief Executive's Report to Council**

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

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

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

#### **Storm Emma**

Kerry County Council implemented the protocols of its Severe Weather Response Plan last week, following notification from Met Éireann of the snow/ice warnings. Early advice was given, on public safety grounds, for people to stay at home on Thursday evening and Friday. I would like to thank businesses and the general public for heeding this advice, as a consequence of which there were no reported fatalities or serious injuries due to the exceptional weather encountered.

The Kerry Emergency Local Co-Ordination team, which includes all of the principal response agencies in the county, met on 16 occasions. Over the period of the red alert from Thursday afternoon to Saturday, our priority was to ensure essential medical services were maintained, such as for patients on dialysis treatment and medical care in the home, as well as restoring transport linkages, initially on the more heavily trafficked routes. 135 Operational staff, supported by 40 Civil Defence volunteers and the Fire Service and worked tirelessly from 7 am on Friday morning through to Sunday evening in response to the event. Water supplies were maintained, by our caretakers and repair crews, over the weekend. A dedicated emergency line was set up and regular updates to the public were issued through Radio Kerry and on social media.

#### **LIS funding**

The Department of Rural and Community Development has allocated €727,000 in funding under the LIS scheme. The Council currently has 72 applications under the 2007 scheme to complete, at an estimated cost of €1.15m. This funding will allow for approximately 40 schemes to be progressed and we will be writing to these applicants over the next two weeks. The Department has indicated that additional

funding may be provided later in the year, which will hopefully allow the Council to complete all outstanding applications on the current scheme. A new scheme will be advertised within the next 2 weeks and Members will be advised of this.

### **Speed Limit Review**

Briefings have now been held with each of the Municipal Districts in relation to the Speed Limit Review. The Council is re-examining a limited number of locations, and will be consulting with the TII in relation to queries raised on proposals for the national road network. It is our intention to have the draft Bye-Laws available to go on public display by the end of this month.

### **Schedule of Municipal District Work Plans**

The plans are substantially developed and will be presented to the Municipal Districts for consideration by the end of this month. The Director of Operations previously circulated to the Members copies of the road grants and the options being considered in the development of the plans, including proposals to provide for an enhanced planned drainage programme and footpath improvement programme. Local Secondary and Local Tertiary roads will be prioritized in the drainage improvement programme. Based on preliminary surveys of the footpaths in the major towns, the estimated cost of repairs in these towns is significantly in excess of the funding available. As previously agreed with the Members, these programmes can be supplemented with funding from Councillors allocations. Briefings will be scheduled in advance of the meetings to get the views of Members and their input into completing the draft plans.

### **Economic & Community Development Directorate**

#### **Kerry Local Enterprise Office**

The Local Enterprise Office has received its 2018 budget allocation from Enterprise Ireland. It is in line with expectations and shows a marginal increase from the 2017 allocation.

March 2018 is designated as Enterprise Month in the County. Throughout the month there will be a series of enterprise focused events run by different state agencies. Amongst the highlights of the events run the LEO office will be the County Enterprise Awards, the Student Enterprise Awards, an Employment Law seminar and a Succession Planning workshop.

A Kerry business, Harty Nutrition, headed by Niall Harty was successful in the regional awards of the Ireland's Best Young Entrepreneur competition. He will now represent the County in the National finals which will take place later in March.

#### **Community Department**

##### **Community Support Fund**

In February, Kerry County Council announced details of the allocation of €750,000 in funding support for community groups and projects across the county under the Community Support Fund for 2018. A total of 255 groups and projects received grant aid worth €320,000 this year while a proportion of the fund, totalling €430,000, is being retained to leverage funding for strategic projects at Municipal District level and to support projects previously supported by the Town Councils. The fund, which is in its fourth year, has now supported over 1,250 projects since 2015 to the value of €3m since its establishment. As occurred in 2017, some of the Community Support

Fund will be used this year to target strategic projects in each of the Municipal Districts and to co-fund projects where partial grant funding may be available from other sources. Separate Meetings of the four Municipal Districts were held on Monday 26<sup>th</sup> February to decide on the allocations and the provision of support to the recipients was unanimously welcomed and the Members acknowledged the tremendous voluntary work done by these groups. Full details of the allocations in each of the four Municipal Districts are available on Kerry County Council's website and from the Community Department.

### **Public Participation Network (PPN)**

The Kerry PPN hosted a workshop in Tralee on Tuesday 27<sup>th</sup> February on the theme of "Access for all – Disability Awareness". The aim of the workshop is to examine the issues people with disabilities face within our society and to develop a disability representative group at county level linked to the PPN. This is the second workshop in a series of consultations to be held during 2018.

### **Planning and Sustainable Development Department**

The Draft Tralee Municipal District Local Area Plan will commence the statutory public consultation process in the next two weeks. This statutory process will be for a period of 6 weeks before being considered by the Members of Tralee Municipal District. In conjunction with this a corresponding revision to the Tralee Town Development Plan will also go through the appropriate statutory process for final consideration by full Council.

The Draft Killarney Municipal District Local Area Plan is being finalised and the statutory public consultation process will commence in April. The corresponding revision to the Killarney Town Plan will also be considered as above.

The pre-draft consultations for both the South and West Kerry and Listowel Municipal District Local Area Plans will finalise on 23<sup>rd</sup> March 2018. The preparation of both Draft Plans will take place over the coming weeks with the intention that both these Draft Local Area Plans will go on public display in June 2018.

### **Tourism Department**

Following a new arrangement between Fáilte Ireland and Local Authorities to drive the implementation of tourism focused festivals and participate events, Kerry County Council is administering a fund of €75,250 for the Festivals & Participative Events Programme for County Kerry in 2018.

Notification of an allocation under the Programme has issued to 34 successful applicants for festivals & participative events taking place around the county throughout the year. Widespread use by festival and event organisers of the recently launched Destination Brand for Kerry will be required, which will endorse and guarantee the unique experience of visiting Kerry.

Kerry County Council actively supports the county's year-round programme of festivals and events including their promotion through our social media platforms and through the online 'What's On' Event Guide – <https://tockify.com/kerryournaturalescape>



## **Housing & Corporate Directorate**

As advised at the February Council meeting a Housing update is being given at the March Council Meeting including an update on changes to current schemes and programmes.”

The Chief Executive thanked all involved in dealing with Storm Emma.

Cllr M Gleeson thanked all services involved in Storm Emma, in particular the Council outdoor staff and reminded all of the Roundabout dedication in Killarney to acknowledge such staff dedication.

Cllr B Cronin thanked all services involved in the storm and in particular the Council’s outdoor workforce. He also commended the enormous community spirit during the storm. He welcomed the re-introduction of the LIS and requested clarity on the applications on hand.

Cllr T Barry echoed his thanks to staff voluntary and support services during the storm.

Cllr N Moriarty acknowledged the hard work of all involved in the storm including community groups. She welcomed the financial commitment under the LIS and requested clarity regarding the Emergency and hardship fund. She also welcomed the MD pre-draft plans and highlighted the need to secure UNESCO status for Valentia Cable Station as quickly as possible.

Cllr. D. Grady thanked all staff, led by the Chief Executive, for their involvement in Storm Emma. He welcomed the information from the Press Office which kept everybody informed. He also welcomed the improvement to the Homeless service in the circumstances.

Cllr. J. Lucid thanked all involved in Storm Emma and welcomed the re-commencement of the LIS Scheme.

Cllr. M. O’Shea complimented all involved in Storm Emma. He welcomed the re-opening of the LIS Scheme and the proposed progression of projects under the Scheme.

Cllr. J. Healy-Rae supported all previous speakers. He complimented Kerry County Council on the dissemination of information during Storm Emma. He welcomed the re-opening of the LIS Scheme and the hope of extra funding that may become available. He welcomed the MD Works Plans and requested that repairs to potholes also be included. Regarding the Speed Limit Review, he requested that TII be asked to reassess same.

Cllr. M. Cahill supported Cllr. J. Healy-Rae regarding the Speed Limit Review. He thanked staff for their work during Storm Emma. He welcomed funding under Tourism Ireland and the LIS proposals, stating the Emergency and Hardship applications be prioritised. He called for a relaxation of Planning Laws to allow family member to build in rural areas.

Cllr. P. McCarthy thanked all staff for their work during Storm Emma, stating that if conditions were worse more snow ploughs would have needed and he requested the TII be contacted to fund same.

Cllr. B. O'Connell thanked all staff for their work during Storm Emma and complimented Owen O'Shea, Press Officer, on information provided. Regarding the Community Support Fund, he complimented the tremendous work of staff in the distribution of funds, stating it was immense support to local clubs who had no other source of funding.

Cllr. N. Foley wished to be associated with the words of thanks of the previous speakers. She welcomed the LIS and requested clarity regarding the Emergency and Hardship Scheme. She also supported the sentiments regarding the CSF, and thanked all the volunteers involved in these groups. She welcomed the Tourism funding and requested clarity regarding the possibility of more funding for Kerry as a Tourism County.

Cllr. L. Purtill thanked all staff for their work during Storm Emma and welcomed the LIS funding.

The Cathaoirleach thanked all services for their work during Storm Emma. He welcomed the re-introduction of the LIS. He welcomed the Tourism funding and requested clarity on the possibility of extra funding.

In response the Chief Executive acknowledged the thanks of the Councillors on behalf of all staff. Kerry County Council has moved to damage assessment and will seek funding for same. Regarding the provision of snow ploughs, this will form part of the post-evaluation process and if funding is available, Kerry County Council will apply for same. It is vital that the UNESCO site in Valentia is protected. Regarding the LIS applications, new applications will be accepted and together with the applications on hand, they will be assessed based on current criteria. She welcomed the high level of funding under Tourism and Community Support Fund.

Mr. C. O'Sullivan, Director of Services, in response to the queries regarding the Emergency and Hardship Fund said applications will be assessed on a countywide basis based on the current criteria, with the possibility of funding 2-3 schemes. Councillors will be kept informed of progress.

#### **18.03.12.04 Disposal of property**

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Healy-Rae it was agreed to approve the disposal of a plot measuring 0.340 acres approximately in total, situated in the townland of Dromultan in the DED of Killeentierna, to (name withheld for data protection purposes. A paper copy of the unedited minutes is available on request) in accordance with the terms of notice issued on the 22nd February 2018 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

### **18.03.12.05 Report on the Operation of the Litter Pollution Acts**

Mr. J. Breen referred members to his report dated 6<sup>th</sup> March 2018 on this item which was circulated and he briefed them in detail on the report.

Cllr. M. Gleeson requested that good wishes be sent to (name withheld for data protection purposes. A paper copy of the unedited minutes is available on request), acknowledging his immense contribution to Tidy Towns. He welcomed the introduction of the "Conscious Cup Initiative". He requested the OPW to enforce dog fouling legislation in the National Park. He called for increased enforcement in controlling illegal signage, including roadside trailer advertising. He requested Kerry County Council write to the chewing gum companies to explore the provision of non-stick chewing gum.

Cllr. G. Spring welcomed the report and the fines. He requested clarity on the maximum fines on prosecution.

Cllr. T. O'Brien welcomed the report and thanked all groups involved in the clean-up effort, stating it is imperative to retain the county's gold medals. Regarding dog fouling he asked Kerry County Council to explore on the spot fines for the non-carrying of a pooper scooper. He requested more publicity regarding prosecutions. He called on the press to publicise the need for more support for the Tidy Towns groups and to report dumping from cars.

Cllr. S. Locke, as Chair of Tralee Tidy Towns supported the sentiments of the previous speaker. He requested that Kerry County Council contact Bord na gCon asking that greyhound owners take responsibility for dog fouling in public areas, in particular playing fields. He also requested an increase in fines, including on the spot fines and Litter Wardens.

Cllr. D. Grady welcomed the report. He stated dog fouling was the biggest issue in Killarney and enough was not being done to address it, stating that all the Litter Wardens were based in Tralee. He requested more bins be provided in Killarney to deposit dog fouling.

Cllr. P. McCarthy welcomed the report stating it is the responsibility of householders to ensure refuse is disposed of correctly.

Cllr. P. Connor-Scarteen welcomed the report and requested more publicity on Transfer station & recycling facilities. He welcomed and thanked all involved in the county clean up. Regarding dog fouling, he acknowledged the provision of the pooper scoopers and requested that bins be provided for disposal of same.

Cllr. R. Beasley welcomed the report. He expressed disappointment at the level of enforcement, in particular fast food outlets stating they should provide private facilities for customer use. He commended all volunteers involved in Tidy Towns and called for more to get involved. He stated dog fouling was the biggest scourge on the streets and called for increased prosecutions, more wardens and more bins for disposal of fouling.

Cllr N Moriarty welcomed the report and acknowledged the enormous contribution from the voluntary sector and welcomed the county clean-up initiative. She stated that increasing 'on the spot' fines should positively alter behaviour. Packaging reduction was vital and she referred to Aldi's commitment on elimination by 2020.

Cllr D McCarthy welcomed the report stating it was vital to keep the groups and clean-up activities going. He called for more youth involvement through the school's programme.

Cllr T Ferris stated that the difficulties such as illegal dumping (including in vacant Council houses) and complaints of same, can be linked to the withdrawal of the Councils from the refuse service. She requested Kerry County Council give consideration to the reintroduction of the service. She also requested Kerry County Council identify other staff that could engage in warden duties.

Cllr D Quigg welcomed the report and the coffee cup initiative. Regarding dog fouling, he called for increased bins with larger entrances. He is opposed to introduction of fees for bags in Transfer stations. He also called for an increase in the number of prosecutions generally.

Cllr J Healy-Rae stated dog fouling was the owner's responsibility. Illegal dumping has increased due to the withdrawal of the council's refuse service, the closure of Muing and the fees for disposal of plastic. He stated Kerry County Council should explore the possibility of introducing refunds on returns of glass, drinks cans etc.

Cllr M Cahill referred to the ongoing war on litter and called on the Minister to do more. He requested Ireland follow Europe's example of deposit/refunds on returns.

Cllr T Barry welcomed the report and commended all voluntary involvement. Enforcement was the biggest problem and cameras should be considered as part of the solution. He welcomed the Ballybunion initiative on bulky waste disposal and called for this to be extended countywide and requested an update on the civic amenity site for Listowel.

Cllr N Foley welcomed the report and acknowledged the tremendous work done by the voluntary groups and young people through the school's initiatives. She acknowledged tremendous difficulties for neighbours of vandalised vacant properties stating zero tolerance was needed. She called for covert cameras to be introduced and requested a pilot scheme of extra staff for a 6-week period to tackle illegal dumping generally.

Cllr A Thornton welcomed the report and requested clarity of the possible use of drones in policing/enforcement.

The Chief Executive clarified that 3 Litter Wardens worked countywide. She stated that 60% of rubbish was cigarette related. And it is vital that businesses are engaged in the process. There is huge engagement from schools and communities. While enforcement is problematic, there is strong activity in this area, in particular litter black spots. Illegal dumping is not linked to recycle prices. Council facilities are

a huge cost and council resources are used most efficiently around waste management enforcement.

Mr J Breen DOS stated Kerry County Council is strong on prosecutions but we all need to lead by example. A standard fine is €150. Regarding dog fouling, it is extremely difficult to secure a conviction due to the high level of proof needed. Gardaí also have enforcement powers. A fantastic example of community involvement was seen during Storm Emma.

Regarding household waste-permits can be requested from collectors. Regarding bin openings-they are small to prevent disposal of large bags of domestic waste. He acknowledged that changing behaviour was key to the process. It is possible to use drones but evidence was also needed. He acknowledged the enormous community support and welcomed the coffee cup initiative.

#### **18.03.12.06 Annual Report on the operations of Kerry's Local Community Development Committee (LCDC)**

Mr. M. Scannell referred members to report dated 5<sup>th</sup> March 2018 on this item which was circulated and he briefed them on the report.

The report was adopted, proposed by Cllr P McCarthy and seconded by Cllr S Locke.

#### **18.03.12.07 Draft Training and Development Programme for Councillors 2018**

Mr. L. Quinlan referred members to the Draft Training and Development Programme for Councillors 2018 which was circulated and he briefed them on the Programme.

It was proposed by Cllr D McCarthy, seconded by Cllr J Lucid and unanimously agreed to note the Training and Development Programme for Councillors 2018.

#### **18.03.12.08 Update on the Housing Programme**

Mr. M. O'Donoghue referred members to report dated 12<sup>th</sup> March 2018 on this item which was circulated, referring in particular to the construction/acquisition programme, the SSHA, Repair and Leasing update, and voids turnaround process. He will bring an update to the April meeting.

Cllr T Ferris stated the Voids turnaround time, while reduced, was still too long. She requested clarity on the Tralee Municipal District void numbers and pre-allocated status. Regarding adaptations, she requested more extensions for overcrowding disability cases. She expressed concern regarding the shortcomings in the HAP scheme stating it was causing undue hardship for family units. She welcomed amendments to the Tenant purchase scheme and requested clarity regarding the position of applicants removed under the SSHA.

Cllr. A. Thornton said the turnaround time on voids is too long. She requested that the voids turnaround time be reviewed on an MD basis and also requested an update on unfinished estates.

Cllr. D. Grady said he would take more time to study this report. Major improvements have been made with regard to housing and homelessness. He welcomed the progress on the 61 units in Killarney.

Cllr. J. Healy-Rae welcomed the 61 units in Killarney and the shortened time for the return of voids. In relation to his difficulties with the Tenant Purchase Scheme, he moved Motion no. 4

#### **4. Anomaly in the Tenant Purchase Scheme**

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

That Kerry County Council write to the Minister for Housing regarding the anomaly that pensioners do not qualify for the Tenant Purchase Scheme.

**The following report issued:**

**This relates to the requirement that applicants must have a primary income source other than from Social Welfare.**

**This is a matter for consideration by the Members.**

Cllr. B. Cronin stated that he was concerned at the ineligibility of a large number of applicants and **SECONDED** the motion. He welcomed the 61 units in Killarney and requested clarity on the differences between RAS and HAP. Regarding repairs, he requested clarity on responsibility.

Cllr. P. Daly commended the Housing staff on dealing with the increased homeless situations. He expressed concern at the lengthy waiting time of some applicants on the housing list. He also expressed concern at the lack of replacement units for those sold under the Tenant Purchase Scheme and also where some of these units are subsequently let privately, the anti-social behaviour that may occur. He moved Motion no. 25.

#### **25. Section 6 of the Housing 'Anti-Social' Behaviour Policy**

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

That this Council will revisit section 6 of the Housing 'Anti-Social' Behaviour Policy so that someone who has not committed an offence for a period of 5 years will not be excluded from the housing list.

Cllr. Daly expressed concern that possible delays in the legal system can leave applicants in a difficult situation under the current policy.

**The following reply issued:**

**Section 6 of the Kerry County Council Anti-Social Behaviour Policy states that "any applicant involved in Anti-Social Behaviour in the previous five years may not be considered for any form of social housing for a period of TWO years after any conviction."**

**Hence any applicant who has not committed an offence for a period of two years after the conviction date will be considered by Kerry County Council for social housing.**

Cllr. T. Ferris SECONDED the motion.

Cllr. M. Cahill welcomed the 61 units in Killarney and asked that Clúid attend the Housing SPC with a view to working with them to provide housing for the elderly. As the biggest demand is for 1 bed and 2 bed units he requested the Council prioritise purchases where there is no construction programme. He sought an update on the commencement of the 14 units in Ardmoniel.

In relation to the Tenant Purchase Scheme, Cllr. N. Foley, said the scheme marginalised huge numbers of tenants and she supported the right of all to purchase their units.

Mr. M. O'Donoghue, Director of Services, confirmed that the turnaround time for voids is closer to the national average, notwithstanding that there can be sensitive issues around it and the procurement process needs to be followed. The Tenant Purchase Scheme is being reviewed. The Unfinished Estates process has delivered some units. Re-instatement of time under the SSHA will be examined on a case by case basis. Notice of Motion No. 25 will be referred to the Housing SPC. In reply to a query from Cllr. T. Barry, he confirmed that HAP inspections are taking place within the eight-month requirement. He clarified that the Ardmoniel units are in the construction programme.

### **18.03.12.09 Tourism Strategy Update**

Mr. M. Scannell referred members to report dated 8<sup>th</sup> March 2018 on this item which was circulated and he briefed them on the report.

Ms. J. McCarthy detailed further activities in addition to those listed in the report.

Cllr. J.J. Culloty welcomed the report. As a county heavily dependent on tourism there is an important role to inform all groups of grant opportunities. He acknowledged the Council's support for the recent Mountain Festival held in Killarney and stated adventure cycling needs to be promoted.

Cllr. R. Beasley welcomed the report stating the Macroom and Adare By-Passes are badly needed. He stated that the roads infrastructure in North Kerry badly needs more funding. He welcomed progress on the Greenway in North Kerry and requested the commencement of works on the Ballybunion toilets immediately.

Cllr. N. Moriarty welcomed the report and in particular the activities in South Kerry. She welcomed the Council's support for local groups and called for more car parking and activity brochures.

Cllr. D. McCarthy welcomed the report and called for more bi-lingual tourism signage and car parking.

Cllr. J. Lucid welcomed the report stating very positive progress is being made with 33% of items actioned.

Cllr. M. O'Shea welcomed the report stating the promotion of tourism throughout the county is vital. There needs to be more promotion of local walkways and cycleways.

Cllr. M. Gleeson welcomed the plans in the report and requested a timeline for same. He said he would like to see the progression of the South Kerry Greenway and an outer relief road for Killarney.

Cllr. T. McEllistrim welcomed the report and as part of the strategy he requested a reduction in rates for the tourism sector.

Ms. J. McCarthy stated €100,000 has been received by Kerry County Council under the Rural Recreation Scheme towards the development of a Heritage Trail in Milltown. Ms. McCarthy confirmed that an accessible destination pilot scheme had commenced in Killarney with Kerry County Council working alongside the Chamber of Tourism and Commerce and the European Network of Accessible Tourism with the support of Fáilte Ireland.

#### **18.03.12.10 Report on the operations and activities of KETB**

It was agreed to note Cllr. N. Moriarty's report on the operations and activities of Kerry Education and Training Board in accordance with Section 141 of the Local Government Act 2001 as amended.

#### **18.03.12.11 Summary of proceedings at events**

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

- (a) Promotional Visit to Berlin from 2<sup>nd</sup> to 5<sup>th</sup> November 2017 by Cllr. J. Sheahan.
- (b) Conference on the theme "The Cohesion Policy 2014 – 2020" held in Carlingford, Co. Louth from 2<sup>nd</sup> to 4<sup>th</sup> February 2018 by Cllr. S. Fitzgerald.

#### **18.03.12.12 Approval for the opening of tenders**

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Healy-Rae, it was agreed to approve the opening of tenders for Architect Led Consultancy Services for the construction of 24 No. Housing Units at Farranwilliam, Ardfert – Closing date: Wednesday 28<sup>th</sup> March 2018 at 3pm.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Healy-Rae, it was agreed to approve the opening of tenders for the N69 Listowel Bypass Fencing & Site Clearance – Closing date: Friday 6<sup>th</sup> April 2018 at 4pm.
- (c) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Healy-Rae, it was agreed to approve the opening of tenders for the N70 Waterville,



Creamery Cross, Glenbehy Bridge & N72 Stagmount projects Land Valuation Services – Closing date: Friday 6<sup>th</sup> April 2018 at 4pm.

- (d) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Healy-Rae, it was agreed to approve the opening of tenders for the N86 Ballynasare to Annascaul & Doonore South to Ballygarrett Engineering Consultancy Services (Phase 5 to 7) – Closing date: Friday 13<sup>th</sup> April 2018 at 4pm.
- (e) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Healy-Rae, it was agreed to approve the opening of tenders for the N69 Listowel Bypass Engineering Consultancy Services (Phase 5 to 7) – Closing date: Friday 13<sup>th</sup> April 2018 at 4.00 p.m.
- (f) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. D. McCarthy, it was agreed to approve the opening of tenders for the construction of Single Rural Dwelling at Tullig Beg, Cromane - Closing date: Wednesday 28<sup>th</sup> March 2018 at 3.00 p.m.
- (g) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. T. McEllistrim, it was agreed to approve the opening of tenders for the supply of wood-chip to Moyderwell District Heating System for a 1 year period – Closing date: Thursday 29<sup>th</sup> March 2018 at 4.30 p.m.

### **18.03.12.13 Notices of Motion**

#### **1. Promote the development of Wild Flower areas**

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

That in 2018 Kerry County Council would make a county-wide effort to promote the development of Wild Flower areas in as many locations as possible. This work will visually enhance each location area and will be an invaluable aid to vitally important wild life species such as butterflies and bees.

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

**Kerry County Council through the Biodiversity office is working with a number of community groups to increase participation in the recently nationally launched All Ireland Pollinator Plan. The plan aims to increase habitat (such as wild flower areas, hedgerows etc.) for wild pollinators (predominately bees) at a national level through local actions. The biodiversity office is also working with other local authorities to roll out a special “all Ireland Pollinator” award as part of the National Tidy Towns competition. This year will be its third year with the inaugural year of the special award won by Killarney in the southwest region. Kerry County Council will continue to work with these groups and organisations as a means of increasing awareness and actions for wild pollinators.**

Cllr. M. Gleeson referred to our fragile eco- system being seriously threatened by the carelessness of us humans, which lead to Governments determining a better way forward for humanity, for example, the introduction of the ‘Conscious Cup Initiative’.

The threat to Bees and Butterflies also poses a major difficulty with at least one third of them in danger of extinction. The planting of wildflower gardens is addressing this and needs to be extended in our towns and villages, in our private gardens and in our schools, etc. During the last century the world lost a wildlife species for each of the hundred years. Let us try to ensure that that is not replicated in this century.

Cllr. R. Beasley SECONDED the motion.

## **2. South Kerry Greenway**

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

That Kerry County Council take on board the phenomenal success of the Mayo Greenway and also the new Waterford Greenway which attracted 250,000 visitors in 2017 by expediting the South Kerry Greenway and will the Council give a detailed progress report on: (a) How many landowners has agreement been reached with? (b) When will the CPO be submitted to An Bord Pleanála (c) How long will it take An BP to reach a decision? (d) In the event of it being granted, what is the nature of the works involved, how long will it take to construct and what is the estimated total cost of the Greenway.

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

**The vast majority of landowners along the route are agreeable to the Greenway but in the context of the CPO it is not possible to state that agreement has been reached with any landowner. The process involves lodging the application with An Bord Pleanála and if the CPO has been confirmed by the Board the affected landowners have a period of time in which to lodge their claim for compensation. Negotiations between the valuers for the landowner and the council then commence.**

**The planning process will commence at the end of March with the request for a pre-application meeting with An Bord Pleanála. Any outcomes from the pre-planning meetings with the Board will be considered and addressed in advance of submitting the CPO and EIA for approval.**

**Given the complexity of the scheme, it is difficult to put a timeframe on the decision of the Board, as the project will most likely be the subject of an oral hearing.**

**The nature of the works involved will vary from section to section. In general, it will involve the erection of temporary fencing if required and then stripping the sod off the existing track ballast, the application of a regulating base layer and surfacing with bitumen macadam. Existing drainage rehabilitation will take place simultaneously. There are however a number of sections such as at Drung Hill tunnels overlooking Dingle Bay where the installation of a new bridge and the creation of a gabion supported causeway will be required. This is specialist work and is a more complex procedure.**

Cllr. M. Gleeson SECONDED the motion and said it would be an economic boost to the region.

## **5. Call for a reduction in the pupil teacher ratio**

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

That we write to the Minister for Education seeking an immediate reduction in the pupil teacher ratio particularly for those primary schools entering the school lan Gaeilge and Thumoideachas Schemes.

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

Cllr. T. Ferris SECONDED the motion.

## **6. Funding to improve high speed broadband**

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

That Kerry County Council write to the Minister Simon Coveney & Minister Denis Naughten to ensure that Kerry is not left behind when funding is being allocated nationally to improve high speed broadband in the country.

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

Cllr. R. Beasley SECONDED the motion.

Cllr. J.J. Culloty supported this motion. It is vital that this is highlighted nationally.

Mr. M. Scannell, Director of Services, stated that at the end of February 2018, 51% or 45,000 of the county was provided with high speed broadband which is an increase of 10,000 on February 2017. By the end of 2018 68% of the county will have been targeted. The provision of high speed Broadband in respect of the remaining 32% is tied up in the National Broadband Plan

## **7. Replacement of old asbestos and leaking pipes in Callinafercy**

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

To ask Irish Water what is the up to date position with replacing all the old asbestos and leaking pipes in Callinafercy as this project is impeding road infrastructure in the area.

**The following reply issued:**

**The Water supply at Callinafercy is a network of high density plastic pipes. Funding for the replacement of this pipe network is a matter for Irish water. A funding submission was previously made to Irish Water for the required funding.**

Cllr. D. McCarthy SECONDED the motion.

## **8. Number of residents' associations in the county**

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

How many residents' association do we have registered in County Kerry?

**The following reply issued:**

**There are 52 no registered Residents Associations in the County, i.e. registered with the PPN. The Housing Section of Kerry County Council has a record of 135 Residents Associations which would include those registered with the PPN. There is no doubt many other informal residents groups that involve themselves in community activities, such as Tidy Towns, local events and fund raising activities that have not registered with the PPN. Kerry County Council would like to encourage additional Residents Associations to register with the PPN. The benefits include being part of a network where information is readily shared and where opportunities for funding and training can be highlighted. It is a very positive way for Kerry County Council to disseminate information and has proved very popular during weather events.**

Cllr. T. Barry said all groups should be encouraged to register as there are many benefits to registered groups. He complimented Mr. A. Smith on work done with Residents Associations.

Cllr. T. Ferris **SECONDED** this motion.

Mr. M. Scannell, Director of Services, said there is an active campaign to encourage all Residents Associations to register with the PPN.

## **9. Elimination of the use of round up**

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

That Kerry County Council would consider eliminating the use of round up in public spaces and would facilitate a meeting with young activists who are leading a campaign to have Kerry follow the example of cities such as Copenhagen and Strasbourg and ban the use of glyphosate in all public areas.

**The following reply issued:**

**The continued use of glyphosate as a herbicide was considered recently by the European Commission who licensed the Roundup product for use for another 5 years. We will research the situation as prevails in Copenhagen and in Strasbourg regarding how those cities deal with the maintenance of public spaces. The Environment section will also facilitate a meeting with the group campaigning for a ban on the use of glyphosate to consider and inform the facts on this subject and we will then bring the findings to the Quality of Life SPC for further consideration of this matter.**

Cllr. T. Ferris asked that all elected members support moves to eliminate the use of Round Up in public spaces and identify feasible alternatives. She asked that Kerry County Council liaise with the group campaigning for this ban.

Cllr. N. Moriarty **SECONDED** this motion.

The Chief Executive said this matter will be considered and brought back through the Quality of Life SPC.

## **10. Call to extend the fodder transport subsidy to Kerry**

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

To ask the Minister for Agriculture to extend the fodder transport subsidy to Kerry.

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

Cllr. N. Moriarty SECONDED this motion.

## **11. The Dale Road**

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

That Kerry County Council carry out immediate remedial work on the Dale Road to make sure it is up to a proper standard for the tourist season and give an update on same.

**The following reply issued:**

There have been a number of motions moved by Council in relation to the Dale Road, most recently at the February Council meeting, where it was outlined that the estimated cost of improving this section of road is €3m.

Limited pavement improvement works were carried out on a short section of this road in 2012. However, due to the nature of the underlying ground conditions, the pavement showed signs of deterioration within 6 months of the completion of the works and the road continued to deteriorate rapidly with significant subsidence. Any remedial works to this section of road is estimated at €400,000, and would need to be undertaken again within 4 to 5 years.

In order to adequately address the poor riding quality and safety concerns, the only effective solution is to excavate the existing road and embankment, including the underlying poor ground material and the full reconstruction of the road. As previously advised to the members, given the nature of the works involved, specialist geotechnical investigations are necessary before any design of the scheme could be advanced. The estimated cost of design of the scheme, including specialist investigations, is €25,000.

In response to previous representations made to the Minister for Transport, Tourism and Sport, the Council was advised that it was open to it to fund the works on this road from its own resources. However, the Council does not have the funding from within its own resources to undertake works of this scale, without having a detrimental impact on the delivery of other services, including road maintenance.

The Council cannot progress the scheme without some positive indication from the Department of a funding commitment for the required works.

Cllr. R. Beasley said if the Dale Road deteriorates further it may lead to its temporary closure. He suggested that Councillors Allocations be used to advance to Design Stage.

Cllr. T. Ferris **SECONDED** this motion and supported the use of Councillors Allocations to advance to Design Stage.

The Chief Executive advised that a Specific Improvement Grant Scheme is needed and the carrying out of remedial works is not the solution. Kerry County Council has asked the Department for sanction for design costs towards this end and is in active discussions with it on the matter and asked for more time to pursue the development of this estimated €4m project with the Department.

Cllr. R. Beasley agreed to this.

## **12. Repair and Leasing Scheme**

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

To ask Kerry County Council that the Repair and Leasing Scheme be extended to rural towns, villages and countryside.

**The following reply issued:**

**The Repair and Leasing Scheme applies Countywide.**

**Kerry County Council is accepting Repair & Lease applications from anywhere in Kerry on a continuous basis.**

**When an application is received however we do carry out a review to confirm demand in that locality and to confirm the suitability of a property.**

**There have been recent changes made at national level to the terms and conditions of the Repair and Leasing scheme.**

**It is intended to publicise these changes at a national level and Kerry County Council will publicise them locally in conjunction with it.**

Cllr. M. Healy-Rae said this is very important to help populate rural areas.

Cllr. T. Barry **SECONDED** this motion

Mr. M. O'Donoghue, Director of Service, said 90 applications have been received and reviewed based on the criteria of the scheme and need in the area.

## **13. National Policy for the taking in charge of group water schemes**

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

That Kerry County Council request Irish Water to create a national policy for take in charge of group water schemes in Kerry. Many of these schemes have been in operation for decades and provided water supply where the Local Authority could

not. The committees involved in many cases are no longer active and the administration of such schemes is in danger of being abandoned.

**The following reply issued:**

**In Kerry there are currently 70 No. Group Water Schemes, the vast majority of which are served by public water mains, which have applied to be taken over. In 2017 Irish Water published its Take Over protocol, in which there are very stringent standards relating to the quality of the pipes and fittings, maximum levels of leakage, site acquisition, wayleaves, and scheme finances. These standards are placing extremely onerous conditions on group scheme administrators to prepare these schemes for take over.**

**Kerry County Council Water Services has secured funding through the Rural Water Programme to prepare four relatively large Group Water Supply Schemes – Bonane, Rossdohan, Tuosist and Dawros - for recommendation to IW to take over these schemes in accordance with the Take Over protocols. It is the Council's intention that these Take-Overs will be completed in the coming year.**

Cllr. J. Lucid said in the 1970's and 80's group water schemes were set up to bring water supply to homes of rural dwellers. At that time there was water supply in the villages but not for people outside the villages. Group schemes were set up in many cases to provide a service that the Council could not at the time. These schemes exist exclusively on grants from Kerry County Council. In many cases any resources the groups had are gone and the group pipe network is deteriorating. He asked Kerry County Council to write to Irish Water and ask them to immediately devise a policy to address this issue and begin a transition of takeover as soon as possible before people decide to walk away from it.

Cllr. M. O'Shea **SECONDED** this motion

#### **14. Elimination of ponding on roads**

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

That Kerry County Council would make a hugely determined effort to rid our roads, national and local of the scourge of ponding. This undesirable feature of the roadways does considerable damage to the surface, inconveniences road users and inevitably costs the Council large sums of money in efforts at remediation.

**The following reply issued:**

**Planned drainage maintenance works are carried out on the national road network, which is funded by the T.I.I. The provision of drainage measures is also a key component of any improvement works and pavement overlays on the national road network.**

**On the regional and local roads, the Council carries out drainage works where funding is provided under the Restoration Improvement Programme and the Restoration Maintenance programme. Routine drainage maintenance works is undertaken in the autumn, which is primarily focused on areas where there is a history of flooding and ponding.**

**The Department of Transport Tourism and Sport have allocated specific funding of €477,500 for planned drainage works on the Regional and Local Road network in 2018. The Department has also given discretion to local authorities to use a portion of the Restoration Improvement Programme grant monies on discretionary road works, including drainage works. Consideration will be given in developing the roadworks programme to increasing the level of funding for drainage works to €900,000, which will allow for planned drainage maintenance particularly on local secondary and local tertiary roads, which will be subject to the approval of the members when the Schedule of Municipal District Work Plans are presented to the MD's later this month.**

Cllr. M. Gleeson said we have recently been informed of the allocations for roads in our county. However, spending large sums of money on various roads is compromised by failure to open water tables and keep gullies free from blockage.

Cllr. R. Beasley SECONDED this motion

### **15. "Special Status" for Castlemaine Harbour**

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

That Kerry County Council request the Government and the OPW as a matter of extreme urgency to give "Special Status" to Castlemaine Harbour in view of the rampant erosion to the Sand Dunes at Rossbeigh and the increased incidents of Tidal Flooding to all the low lying areas at Incharea, Keelnabrack, Reenalagane, Dooks, Cromane, Glosa, Tullig, Gurrane, Reen, Killorglin, Callinafercy, Castlemaine, Keel and Inch so that funding can be readily sourced to protect Family Homes, Properties, Public Infrastructure and Amenities before it is too late.

**The following reply issued:**

**The Council applied to the OPW in November 2017 to carry out a Coastal Erosion and Flood Risk Management Study for the Coastal Cell area covering Rossbeigh, Inch and Cromane. This study is required ahead of any proposed intervention works that could be considered under an application to the OPW for funding under a Minor Coastal Protection Works Scheme.**

**In relation to the areas within the inner Castlemaine Harbour area, the existing flood embankments on the River Laune are maintained by the OPW.**

Cllr. M. Cahill expressed concern at the current erosion in Castlemaine Harbour, e.g. erosion at Cromane. He asked if there is a timeframe for progressing with the study.

Cllr. J. Healy-Rae SECONDED this motion

Mr. C. O'Sullivan, Director of Service, said approval is required to fund the study. On receipt of this approval, the timeframe is 6-8 months to complete this specialist study.



## **16. Mandatory sentences for people who break into homes**

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

That we would write to the Minister for Justice and strongly ask that there would be proper mandatory sentences for people who break in and rob people's homes, especially elderly people.

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

Cllr. J. Lucid SECONDED this motion

All elected members support this motion.

## **17. Provision of solid fuel stoves in Council houses**

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

That Kerry County Council implement without delay a policy where it will provide solid fuel stoves for its housing stock.

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

**Solid-fuel heating remains a significant component of the heating mix in Kerry County Council's Housing Stock. However, Government policy encourages switching to cleaner, less carbon intensive heating fuels. Furthermore, installing solid fuel stoves in all housing stock is not financially feasible as existing plumbing systems would require adaptation. Kerry County Council, currently install solid fuel stoves to replace existing solid fuel boilers which are beyond repair.**

Cllr. J. Sheahan said solid fuel stoves are environmentally friendly and more efficient.

Cllr. J.J. Culloty SECONDED this motion

## **19. Provision of life buoys along river walks**

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

Do Kerry County Council have life buoys along our river walks in the county?

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

**The Council provides life buoys on river walks maintained by it on the River Feale in Listowel and on the River Lee and Canal walk in Tralee.**

Cllr. T. Barry asked who puts the life buoys in place.

Mr. J. Breen, Director of Service, said the Beach Steering Committee is reviewing this matter, will take the Councillor's observations into consideration and will bring a report to Council. Regarding the placement of life buoys, he will get clarity on the matter and revert to Council. There is a contact number on the back of the life buoys should they need replacement.

## **20. Appeal for more respite places at Kilmorna**

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

That this Council thanks Minister Finian McGrath for ensuring the opening of the respite care home at Kilmorna but appeals for substantially more than 4 respite places to be made available.

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

Cllr. R. Beasley SECONDED this motion

## **21. Burning of gorse**

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

To ask the relevant authorities what is the most updated position on the burning of gorse and if there is an extension to the burning season.

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

**Burning of vegetation by landowners for the purpose of managing grazing lands is a long-established practice. It is generally acceptable as long as it is done in a careful manner and observing the relevant guidelines. If it breaches wildlife protection laws, it may be the subject of legal action by the National Parks and Wildlife Service. It is illegal to burn any vegetation between 1st March and 31st August (bird nesting season). Where farmers are burning within one mile of a woodland or Nature Reserve, they must inform the Gardaí and woodland owner at least one week in advance. Where burning is to take place within a Special Area of Conservation or Natural Heritage Area, written consent must be sought in advance from the National Parks and Wildlife Service. To date there has been no change to the prohibited period 1st March and 31st August. The matter is currently before the Oireachtas Committee for Culture, Heritage and Gaeltacht, and we must await a conclusion of the Oireachtas process.**

**In response to the rise in the levels of Wildfire/gorse fires the Kerry Wildfire Interagency Group was established in 2012 in the county. The group consists of, Department of Agriculture, Forestry, Local Authority, Garda, Fire Service and NPWS officers, and also incorporates representatives of the main farming organisations. The purpose of the group is to reduce the severity and incidence of wildfires in Kerry through the improved information exchange, public and agency awareness and enhanced fire prevention and response capabilities between the member organisations. In this regard, the Group has reduced the number of out of control wildfires in the county from 561 callouts in 2010 to 175 callouts in 2017. This has been achieved by meeting with farming groups and providing advice and guidance to these groups, thereby raise awareness of the hazards posed by gorse/wildland fires in the county. As a consequence, it has become the pattern in Kerry that the vast majority of controlled burns are pre-notified to the Fire Control Centre and inappropriate fire service call-outs are avoided. Through focused, multi-agency endeavour awareness of good burning practice is increasing and controlled burning is**

**taking place. This is a very satisfactory scenario from the perspective of all Authorities in Kerry.**

Cllr. J. Healy-Rae **SECONDED** this motion and said an extension to the burning season would make a huge difference and prevent the Fire Services being called out unnecessarily.

Cllr. J. Lucid supported this motion.

The Chief Executive highlighted that the Fire Brigade was called out in the past two weeks to a number of very serious incidents as a result of the burning of gorse outside of the burning season and that the same fire personnel were also on standby during the extreme weather.

## **22. Restrictions on larger trawlers operating in Inshore Waters**

That we write to Minister Creed and stress the sense of urgency that needs to be brought to progressing development of restrictions on larger trawlers operating in Inshore Waters causing very negative impact on the viability of the industry for 75% of operators and on fish stocks and bio diversity in those areas. He recently made the following statement; "I recognise that this issue has been raised by the National Inshore Fisheries Forum since its inception and that there are concerns about the relatively open access for large trawlers to our inshore areas. The Inshore fisheries sector (including Coastal and Island fisherman) is dependent on inshore fish stocks. I am open to looking at the benefits, from an economic perspective for the inshore fleet of introducing some restrictions on large vessels. This could also have a positive biological impact on fish stocks and bio-diversity. I am awaiting a paper from the Department setting out the issues, possible benefits and options to inform my consideration of the issues and possible impacts, both positive and negative. I am planning to undertake a public consultation on the options and to hear and understand the diverse interests of stakeholders to ensure that any new measures introduced are fair and balanced." While the Inshore and coastal smaller fishing operators welcome the Minister's agreement to review the issue the language here lacks the strength and certainty that the reports from BIM and MAREI warrant.

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

Cllr. N. Moriarty said these vessels have potential to do enormous destruction to marine life and the local economy.

Cllr. M. Gleeson **SECONDED** this motion

## **23. Provision of lighting and safety measures at Poulgorm bridge**

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

To ask TII that public lighting and safety measures be put in place at Poulgorm bridge where the junction of R569 intersects with the N22.

**The following reply issued:**

**The Council submitted a feasibility report on the need for additional safety measures at this junction to the T.I.I., which identified works to improve sight visibility, the removal of the deceleration lane on the Cork approach to the junction, and enhanced signage. Funding of €61,000 has been approved for these works.**

**The request by the members for the provision of public lighting at this junction has been appraised by the T.I.I. and they have advised that this appraisal did not support the installation of public lighting at this location.**

Cllr. M. Healy-Rae opposed the removal of the deceleration lane on the Cork approach to the junction. This is the main artery into the county. She asked if Management agree with the TII appraisal. She requested that a letter issue to TII outlining full support for traffic calming, however, opposing the removal of the deceleration lane.

Cllr. J. Healy-Rae **SECONDED** this motion and asked for Kerry County Council's view on the TII appraisal. This route serves two peninsulas in Kerry, vehicles are travelling a high speed on this route, signage and lighting are an issue. He referred to the traffic calming measures at Ballyseedy as a comparison.

Mr. C. O'Sullivan, Director of Services, said works were approved by the TII having regard to the statistics and condition of the area. Deceleration will help to slow traffic and improve sight visibility. A further review of the area, including the lighting, will be done and a report brought to the Municipal District.

The Chief Executive expressed confidence in the feasibility study. She stated that Kerry County Council will request the TII to re-examine the public lighting issue.

#### **24. Replacement of sluice gates at Ardkeragh**

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

That Kerry County Council replace the remaining non-working sluice gates at Ardkeragh as soon as possible so as to eliminate once and for all the regular heavy flooding of the R551 at Buncurrig.

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

**Over the past 2 years, Kerry County Council replaced 4 of the sluice gates at Akeragh & Banna, which were in need of replacement. As part of our planned maintenance of the drainage network, the remaining two sluice gates will be upgraded in 2018. The replacement of these gates will not eliminate the risk of flooding on the R551 as they are fully operational.**

Cllr. J. Lucid referred to the flooding issues in the area and difficulty and hardship for the local people in the surrounding areas. If the road continues to flood it will be undermined and will require restoration. The gates are positioned strategically and are designed to control water levels at times of severe flooding. The gates should be opened when the tide is going out and closed before the next tide comes in. This way the water levels in the lake are controlled and greater capacity is created to relieve flooding. If the sluice gate system was maintained and operated as intended this

could be avoided. Operation of the system can be confined to times of severe flooding such as we had on the 22<sup>nd</sup> of November 2017.

Cllr. R. Beasley SECONDED this motion

#### **18.03.12.14 Correspondence General**

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

1.	Letter dated 18 <sup>th</sup> January 2018 from the Department of Health in response to a resolution from Kerry County Council in relation to the reinstatement of the second emergency ambulance in Killarney.
2.	Letter dated 2 <sup>nd</sup> February 2018 from the HSE in response to a resolution from Kerry County Council in relation to the recruitment of GPs in rural areas.
3.	Letter dated 8 <sup>th</sup> February 2018 from the Department of Culture, Heritage and the Gaeltacht in relation to Kerry County Council's nomination to the Board of Údarás na Gaeltachta.
4.	Email dated 14 <sup>th</sup> February 2018 from the Minister for Transport in response to a resolution from Kerry County Council in relation to funding for Listry, Behy and Caragh Bridges.
5.	Letter dated 22 <sup>nd</sup> February 2018 from Minister Finian McGrath in response to a resolution from Kerry County Council in relation to the ratification of the United Nations Convention on the Rights of Persons with Disabilities.
6.	Letter dated 22 <sup>nd</sup> February 2018 from An Post in response to a resolution from Kerry County Council in relation to the proposed closure of Glencar Post Office.
7.	Letter dated 26 <sup>th</sup> February 2018 from the Irish Blood Transfusion Service in response to a resolution from Kerry County Council in relation to the implications of persons with Lyme Disease donating blood.
8.	Letter dated 16 <sup>th</sup> February 2018 from Leitrim County Council in relation to a resolution adopted by that authority calling on the Minister of State for Disabilities and the Minister for Finance to amend the medical criteria for entry to the drivers and passengers with Disabilities Tax Relief Scheme.

The meeting concluded at 16:45.

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

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**Cathaoirleach of Kerry County Council**