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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 , 16 FEABHRA 2015**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 16<sup>TH</sup> FEBRUARY 2015**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

R. Beasley	J. Brassil	M. Cahill
P. Connor-Scarteen	B. Cronin	J.J. Culloty
P. Daly	T. Ferris	J. Finucane
S. Fitzgerald	J. F. Flynn	N. Foley
M. Gleeson	D. Grady	D. Healy-Rae
J. Healy-Rae	N. Kelleher	M. Kennelly
S. Locke	D. McCarthy	P. McCarthy
T. McEllistrim	J. Moloney	N. Moriarty
D. Nolan	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.D. Flynn, Dir. of Corp. Servs.
Mr. O. Ring, Director IW Operations	Mr. M. McMahon, D. Job Creation/Sust. E.D.
Mr. J. Breen, Dir. Sust. Comm./Q of L	Mr. C. O'Sullivan, Dir. Op., Health & Safety
Ms. A. McAllen, Head of Finance	Mr. P. Stack, SE Job Creation
Mr. T. Sheehy, SE Capital Infrast. Unit	Mr. G. O'Brien, Meetings Admin.
Ms. J. McCarthy, SEO Tourism	Mr. J. Griffin, Tourism Officer
Mr. T. Hayes, LEO Officer	Mr. M. Scannell, SEO Community
Mr. P. Corkery, Press & Comm. Off.	Ms. B. Reidy, SSO Corporate Affairs
Mr. L. Brosnan, A.O. Planning	Mr. F. Joy, EE, KNRDO
Ms. C. Brosnan, SO, HR	Ms. K. Kennelly, Arts Officer
Ms. H. O'Carroll, Kerry Co. Museum	Mr. D. Murphy, ASO Housing
Ms. N. O'Connor, A.S.O. Job Creation	Ms. S. Brosnan, C.O., KNRDO
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, C.O. Corp. Affairs

The meeting commenced at 10.35am.

The Cathaoirleach, Cllr. J. Brassil took the Chair.

### **Vote of Congratulations**

Cllr. P. McCarthy extended a vote of congratulations to Brosna and Ardfert Football Teams on winning All Ireland titles at the weekend.

Cllr. T. Ferris also congratulated Ardfert and Brosna Teams on their great success. The solidarity shown between the two parishes of Brosna and Ardfert in supporting one another was tremendous.

The Cathaoirleach said all members would like to be associated with this vote of congratulations. Both teams together with the Castleisland Desmonds Ladies Team will be afforded a Civic Reception in due course. He also congratulated the Spa who won two All Ireland titles at the weekend.

### **15.02.16.01 Cathaoirleach's Report on the CPG Meeting**

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

#### **"Item 1 Agenda for the February Council Meeting**

Mr. G. O'Brien briefed members on the Agenda for the February Council Meeting.

In relation to Item No. 4 Mr. McMahon informed the CPG, that legal advice received stated that the County Development Plan should not be made until the 21 day period for appeals, in respect of the rights of way, to the Circuit Court had elapsed. This 21 day period expired the previous Thursday and there were 4 appeals to the Circuit Court involving 6 rights of way. The appeal is against the decision by the Council to include these rights of way in the County Development Plan. These rights of way will be excluded when the Plan is made and if the appeals are unsuccessful the rights of way will then be included in the Plan.

Members asked if the Council would defend these cases.

The Chief Executive said that Senior Counsel opinion will be sought. A decision on whether to defend these cases or not will be based on the advice received and the potential exposure for the Council. She added that any decision would be based on the level risk for the Council.

In relation to Item 8 Mr. O'Sullivan said the Draft Policy recommended by the SPC for adoption by the full Council reflects the views of members. It is a broad policy which sets out key principals. It also sets out the type of works that will be eligible for inclusion.

In relation to Item 9 Mr. Breen said the Draft Guidelines sets out four categories of projects that will be considered for funding under this Scheme. The Draft Guidelines will be considered at the February meeting and it is intended the application process will commence following adoption. It is envisaged that the application forms will be available immediately with a closing date of Friday 13<sup>th</sup> March.

In relation to Item 10 Mr. Breen said the Draft Policy was developed by an internal working group and it was considered by the SPC. There was broad agreement on the parameters and the report sets out the national context. It is hoped to have a fund of €150,000 with €50,000 being provided by Kerry County Council. It will not be possible to commemorate all events and it is important not to create an expectation that all proposals would be supported. The SPC recommended its adoption by the full Council.

The Chief Executive briefed members on a recent meeting held with Mr. John Concannon, National Co-ordinator for the 1916 Commemorations. Mr. Concannon outlined the national programme which will also include a schools programme, developed in consultation with the Department of Education and Skills. Local authorities will have a key role in organising local events. The initial deadline for the submission of local authority plans was March but that has now been extended to October. Many of the key events will be held in the greater Dublin area. However, the President will also attend a number of events around the country and the Council could seek to have an event at Banna included in this programme.

Following a lengthy debate, the CPG recommended that a number of key events should be held to commemorate 1916 and following the February meeting a Plan would be put in place to include the various timelines for the remainder of the year and this would be presented to members at the March meeting.

In relation to Item 11 Cllr. Sheahan briefed the meeting on the three policy documents to be prepared for the next meeting of the Operations SPC i.e. (1) Traffic Calming Measures in residential estates (2) Speed Limit Review and (3) Hedge Cutting.

A discussion then took place on the pricing of works under Councillors Allocations and members asked that they would be provided with a breakdown of the pricing of these works.

The Chief Executive said Mr. O'Sullivan would look at a number of jobs to ensure consistency. He would also take a sample of 5 or 6 of these and outline how they were costed.

The issue of the number of Notices of Motion at Municipal District Meetings was raised and concern was expressed at the volume of Motions submitted for some Municipal District meetings.

The Chief Executive referred to the current review of the Municipal Districts by the Municipal District Officers and said this issue will be considered as part of the review.

The Cathaoirleach referred to the importance of having a system in place for dealing with Councillor Representations and if such a system was implemented, it may lead to a reduction in the number of Motions / Questions being submitted for Municipal District Meetings.

## **Item 2 Update on LEADER**

Mr. Breen briefed the meeting on the current position relating to LEADER as follows:

- Local Action Groups (LAGs) will be drawn from the LCDC or Local Development Companies
- It is encouraged that a single strategy would be prepared
- Revised document will be sent to the Commission in relation to the following:
  - Initial Expressions of interest for groups that wish to be considered for LEADER LAGS
  - No limit on number of LAGS for any area
  - One Local Development Strategy for sub-regional area
  - “Encouragement to form a single LAG”
  - LCDC's to form LAG for LEADER 2014 - 2020
- This was considered at a meeting of the LCDC and Local Development Companies indicated they would be making individual submissions but are available for discussion
- The Expressions of Interest Phase commenced in January.

## **Item 3 Update on the Corporate Plan**

Mr. J.D. Flynn informed the meeting that a Draft of the Corporate Plan would be brought to the March CPG Meeting. As clarification has not been received from NOAC preparation of the Plan will proceed.

## **Item 4 Live streaming of Council Meetings**

Mr. J.D. Flynn advised the CPG that he was aware that only three Local Authorities are currently live streaming Council Meetings. The substantive issue relates to defamation. He referred to the advice given by the County Solicitor which outlined the position on defamation. By live streaming the meeting the Council would, in effect, be publishing the defamation thus exposing the Body Corporate. Mr. Flynn advised the CPG that based on the legal advice this proposal is fraught with danger.

The issue of member's privilege was also raised and Mr. Flynn indicated that while Oireachtas members have full privilege local authority members do not. It was agreed to consult with the mover of the motion prior to proceeding any further with this proposal.

**Item 5 Book of Condolence**

This matter was discussed at length by the CPG. The CPG considered that it was inappropriate to continue with the practice and their recommendation to Council was that it should be discontinued. If Members so wish, they can write in a personal capacity expressing their sympathies to the families concerned.

**Item 6 Child Protection Awareness Training for Elected Members**

Mr. G. O'Brien informed the CPG that it was a requirement that Members would be provided with Child Protection Awareness Training. This training would be provided by Ms. K. Sheehy.

The CPG agreed that the training should be provided at Municipal District level following a Municipal District Meeting.

**Item 7 N86 update**

The Chief Executive Informed the CPG that Kerry County Council's application to have this case listed for hearing in the Commercial Court was successful. The dates set for the hearing are the 14<sup>th</sup> - 16<sup>th</sup> July 2015.

**Item 8 Update on meeting with Fáilte Ireland in relation to the Wild Atlantic Way**

The Chief Executive updated the CPG on a recent meeting with Fáilte Ireland in relation to the Wild Atlantic Way and said it was very constructive. Tenders are presently being sought for Architectural Design Services for the viewing point at Bray Head, Valentia Island and it is hoped that funding will be provided by Fáilte Ireland for this project.

Cllr. J. Finucane asked for an update on his proposal that Kerry County Council would host a meeting of all Counties on the Wild Atlantic Way.

The Chief Executive advised that she raised this matter with Fáilte Ireland who intends to set up a network of all counties on the Wild Atlantic Way. She suggested that the inaugural meeting would be held in Kerry and recommended this to Fáilte Ireland.

Cllr. Finucane requested that this meeting would be held prior to the commencement of the tourism season.

**Item 9 Training and Development Programme for Councillors 2015**

Mr. G. O'Brien referred to the Draft Training and Development Programme for Councillors for 2015 which was circulated. This matter will come before the Members for formal adoption at next Monday's Council Meeting.

## **Item 10 Any other business**

Mr. C. O'Sullivan briefed Members on the recent Circular received notifying the 2015 Road Grant Allocations which was circulated to Members. He advised that the Schedule of Municipal District Works would be brought to the Municipal Districts for adoption before the end of March. Member's views will be sought prior to finalising the Schedule of Municipal District Works.

### **Reception for Mick Finucane**

It was agreed that Mick Finucane would be honoured at a Reception by the members of the Listowel Municipal District.

### **Gateway**

Mr. J.D. Flynn advised the CPG that Cllr. D. Nolan requested a report on the assignments of Gateway participants at the January Meeting. He advised that such a list is currently being compiled for the Department and once finalised a copy will be circulated to members."

Cllr. B. Cronin welcomed the fact that a breakdown of the costing of jobs would be provided to members. He asked if funding was provided for the CIS in 2015.

Cllr. T. Ferris referred to the proposal to live stream Council meetings and said given the level of investment in the upgrading of the Council Chamber it should at least be possible to stream an edited version of the meetings. Once the Minutes of a meeting are adopted the edited version of the meeting could be uploaded to the Council's website. She believed going forward most local authorities will do this. The CPG recommended that the Book of Condolence would be discontinued but she did not agree with this. Families appreciate the letter they receive from the Council acknowledging their loss. She expressed concern that if the Book of Condolence is removed it would delay the start of the meeting when members would want to propose votes of sympathy and this would be a retrograde step.

Cllr. N. Kelleher said members should consider what they say at Council meetings and should not make comments lightly. He agreed with Cllr. Ferris's suggestion to stream an edited version of the meeting. As he sought his own advice on this issue Cllr. Kelleher asked that it would be deferred to the next meeting.

The Cathaoirleach said what Cllr. Ferris suggested was also proposed by the CPG but Mr. J.D. Flynn undertook to get further clarification for members.

Cllr. D. Healy-Rae said he was opposed to a reduction in the number of Notices of Motions for Municipal District Meetings as this is the only way to get a prompt reply. He did not support the removal of the Book of Condolence and said it is available to all members.

Cllr. J. Healy-Rae also opposed any reduction in the number of Notices of Motion for MD Meetings. He added that the two week deadline for the receipt of Notices of Motion for full Council Meetings should not apply to Motions that are a matter for resolution by Council and he asked that this requirement would be reviewed. Cllr. Healy-Rae supported the retention of the Book of Condolence.

The Cathaoirleach informed members that votes of sympathy for former members and staff of the Council can still be proposed at the start of the meeting. The CPG recommended that the Book of Condolence would be discontinued and he PROPOSED this recommendation.

Cllr. J. Finucane SECONDED this proposal.

A vote was taken on this proposal which resulted as follows:

**For:** Cllrs. Connor-Scarteen, Cronin, Culloty, Finucane, Fitzgerald, Flynn, Kelleher, Kennelly, P. McCarthy, Moloney, O'Brien, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton, Brassil **(18)**

**Against:** Cllrs. Beasley, Daly, Ferris, Foley, Grady, D. Healy-Rae, J. Healy-Rae, Locke, D. McCarthy, Moriarty, Nolan, Quigg **(12)**

**Not Voting:** None **(0)**

The Cathaoirleach declared the proposal CARRIED.

The Chief Executive said the issue of the numbers of Notices of Motion submitted for MD Meetings was raised by the CPG. She gave a commitment that she wanted to ensure the Municipal Districts are a success and that the new organisation worked well. She wanted to establish if the issues raised as Notices of Motion at MD meetings could be dealt with outside of these meetings and said it is important that members receive prompt replies. That is fundamental to the outcome of the review. A system to allow members make representations and get replies was being considered at present and the review should be completed in 6 weeks.

Cllr. B. Cronin said he requested that a deputation would be sought with the Minister in relation to funding for the CIS and he asked if a response was received.

Mr. C. O'Sullivan said for the past few years funding was provided on a pilot basis for this Scheme. However this year a separate allocation was not provided. There is some discretionary funding and he would bring proposals to members at the Municipal District Meetings. In advance of these meetings briefings would be held for members and he would contact the Mayor and Cathaoirligh to agree the dates for the briefings. The Roads Allocations was circulated to members together with a request that members would make a submission on what roads they would like to have included in the 2015 Programme.

Cllr. B. Cronin said that is a severe blow for rural Kerry. There is no specific funding for this Scheme but there is mention of a small amount of discretionary funding that could be used for this purpose. Cllr. Cronin asked if this was agreed would one or two roads scheduled for improvement in 2015 not then be improved.

Mr. C. O'Sullivan said this matter will be discussed in detail at Municipal District level.

#### **15.02.16.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. T. O'Brien it was resolved that the Minutes of the Special Planning Meeting of Kerry County Council, held on 12<sup>th</sup> January, 2015 be confirmed.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. S. Fitzgerald it was resolved that the Minutes of the January Ordinary Meeting of Kerry County Council held on 19<sup>th</sup> January, 2015 be confirmed.

#### **15.02.16.03 Chief Executive's Report**

The Chief Executive read the following report for January 2015 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 to each Municipal District Meeting on the work of the Directorates within Kerry County Council. These reports provide updates on such matters as the Roads Works Programme, Water and Wastewater projects, Housing Programme, Environmental Services etc. In order to avoid duplication of reporting, updates on these matters are not included in the Chief Executive's Report.

The attached report has been prepared for February 2015 Council Meeting.



## **Financial Position**

As agreed with the Members, a Financial Report will be provided on a quarterly basis.

## **Operation / Progress on the LCDC**

The Local Community Development Committees (LCDC) convened for its third meeting on Monday 9<sup>th</sup> February.

The agenda for that meeting included the SICAP Tender Evaluation Process, update on the Local Economic & Community Plan, and update on the Role of LCDC in developing a Leader strategy for the County.

The SICAP Programme is for a period of 5 years and the allocated budget for Kerry for the period April (commencement of programme) to the end of 2015 is €1,222,199. The LCDC endorsed the recommendations of the tender evaluation team and the results of the SICAP tender process will be issued on 18<sup>th</sup> February, which is the agreed date nationally.

It was also agreed that the Local Development Companies would enter discussions with the Chief Executive and Chief Officer in order to progress the development of a County wide Leader Strategy. It was agreed that a united application from the LCDC, as Local Action Group, with the Local development companies as implementing partners would benefit the County.

## **Public Participation Network**

The Municipal District PPNs are being convened in the four Municipal District areas in February. The Municipal District PPNs will elect the final representatives for the secretariat of the PPN at County level. The formal PPN will be fully established at that point and work will continue on developing the linkage groups from the SPCs (from the PPN elected representatives) back to the interest groups they represent.

## **Local Economic & Community Plan**

A detailed presentation on the content and the preparation process of the LECP was given to members at the January meeting, and since then the work schedule has been rolled out to both the Economic & Enterprise SPC, and the Local Community Development Committee.

## **Schedule of Municipal District Works**

In accordance with the revised legislation, we are now in the process of preparing the schedules of Municipal District works for each Municipal District. The delay in progressing these was due to the late notification of the Local & Regional Road Grants from the Department. It is my intention to have these finalised for consideration by the Municipal District Members by the end of March. As part of the preparation process, we will be arranging In Committee Briefings for the members.

### **Tourism Strategy**

The Tourism Strategy will be developed over the 2015 period in line with the Economic & Community Plan. Brendan Tuohy, former Secretary-General of the Department of Communications, Marine and Natural Resources has been nominated Chair to the Destination Kerry Forum and will lead out on the Tourism Strategy for Kerry.

### **Local Enterprise Office**

General activity levels are strong in the first two months of 2015.

### **Grant Approvals**

The Local Enterprise Office Approvals and Evaluation Committee met on the 28<sup>th</sup> January and approved grant funding of €138,250 to 7 projects. There is a strong pipeline of projects emerging.

### **Municipal District Briefing Sessions**

Tomás Hayes, Head of LEO has commenced a series of Advisory and Information Meetings for the Municipal Districts with the first briefing held in Killorglin on 5<sup>th</sup> February with a further briefing scheduled in Listowel on 9<sup>th</sup> February.

### **Online Trading Vouchers**

A further 8 applications were approved in January/February 2015 bringing the total to 41 approvals which is the limit pending additional funding from the Department of Communications and Energy.

### **Training Delivery**

- Two Start Your Own Business Courses are presently underway – 40 participants
- Two Business Growth Programmes have commenced – 16 participants
- 14 Mentoring and Advisory assignments are completed or underway
- Four Mentors Clinics have been delivered in co-operation with the Tralee and Killarney Libraries under a new initiative.
- Two Advanced Facebook Programmes are underway with 30 participants
- The Local Enterprise Office has linked with the Local Government Operational Procurement Centre to deliver a seminar “How to win Public Tenders” on 11<sup>th</sup> February – 70 participants are registered

## Minutes February 2015

- A workshop on National Standards Authority of Ireland Requirements has been delivered in Mallow on 4<sup>th</sup> February with 10 participants from Kerry engineering firms in attendance
- Enterprise Month – at advanced planning stage and a series of events will be held in March 2015
- Food Programme Planning underway in conjunction with Bord Bia
- County Enterprise Awards were delivered on 14<sup>th</sup> January with Fleury Engineering Ltd. from Killarney emerging as the winner
- Kerry Business Women Expo on Sunday, 8<sup>th</sup> February, 120 female owned and managed businesses booked in

2015 training schedules are currently under development and people can now book on line at [www.localenterprise.ie/kerry](http://www.localenterprise.ie/kerry).”

Cllr. N. Kelleher said he understood all the online trading vouchers were sold and he asked if there would be a further allocation for 2015. These are a vital tool for business to get them online. Cllr. Kelleher asked if IRD Duhallow will be represented on the LCDC.

Cllr. B. O’Connell asked if the tender process has been initiated by the LCDC.

Cllr. J. Healy-Rae asked when it was envisaged an individual could apply for LEADER funding.

The Chief Executive said a new programme for online trading vouchers would be available in 2015. IRD Duhallow will form part of the overall discussions. She anticipated details of LEADER funding would be notified in the coming weeks. The Chief Executive emphasised the importance of having a county strategy in place to agree one LAG to enable funding to be drawn down. Discussions will take place with the development companies with a view to having one LAG for the county to avoid fragmentation.

Mr. J. Breen said the Department has not given a definite timeframe for the notification of LEADER funding but once it is received members will be informed.

### **15.02.16.04 Disposal of Property**

- (a) On the PROPOSAL of Cllr. T. O’Brien, SECONDED by Cllr. P. McCarthy it was agreed to dispose of a plot of land comprising 0.3884 Ha. (0.9598 St. Ac.) in area situated in the townlands of Ballymachthomas and Ballycarty in the DED of Ballyseedy to *(Names and address withheld for data protection purposes. A paper copy of the Minutes are available on request)* in accordance with the terms of notice issued 29th January, 2015 pursuant to

Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

- (b) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. J. Finucane it was agreed to dispose of a plot of land comprising 0.0910 Ha. (0.2249 St. Ac.) in area situated in the townlands of Ballycarty and Ballymacthomas in the DED of Ballyseedy to Boyle Homes & Developments Ltd., Manor House, Tralee, Co. Kerry in accordance with the terms of notice issued 29th January, 2015 pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.
- (c) On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. B. O'Connell it was agreed to dispose of a plot of land comprising 0.0215 Ha. (0.0531 St. Ac.) in area, situated in the townland of Ballymacthomas in the DED of Ballyseedy to *(Names and address withheld for data protection purposes. A paper copy of the Minutes are available on request)* in accordance with the terms of notice issued on the 29th January, 2015 pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J.J. Culloty it was agreed to dispose of a plot of land comprising 0.070 Ha. (0.173 St. Ac.) in area situated in the townland of Kilmaniheen West in the DED of Brosna to Feale Bridge & Headley's Bridge Co-operative Dairy Society Ltd., Fealebridge, Kilmaniheen West, Knocknagoshel, Tralee, Co. Kerry in accordance with the terms of notice issued 4th February, 2015 pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning & Development Act, 2000.

#### **15.02.16.05 Making of the Kerry County Development Plan 2015 – 2021**

##### **Members Duties under Ethics Legislation**

The Cathaoirleach said he wanted to remind members of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for councillors. He then read the following statement into the record of the meeting.

“Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual councillors. Under the beneficial interest provision and should that provision apply, a councillor must

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

## Minutes February 2015

In conclusion the Cathaoirleach informed members that there could be no interaction with members of the public during the meeting.

Mr. M. McMahon informed the meeting this is the final stage of a two year process which commenced in March 2013 to review the County Development Plan. At a Special Planning Meeting held on the 12<sup>th</sup> January 2015 members considered the Chief Executive's Report and decided whether or not amendments would be included in the County Development Plan. At that time members were informed that Senior Counsel advised that the Plan should not be made until the 21 day period for appeals to the Circuit Court against the inclusion of Rights of Way in the Plan had expired. That appeal period has elapsed and four parties have issued legal proceedings affecting six rights of way. Mr. McMahon then read the list of the six rights of way as follows:

Ref. No.	Description
ROW – 3a	From the L10472 in Ballinprior to the beach, over Akeragh Bridge
ROW - 3b	From the L10472 in Ballinprior to the beach, crossing a bridge over the Akeragh River and then near the river until reaching the beach
ROW - 3c	From the L10472 in Ballinprior past the farm buildings, and then to the beach along the south side of the Akeragh River
ROW - 4	From the end of the L10470 along the track to the beach
ROW - 25	Path/Track between the L12063 and L12037
ROW– 29a	Access to the beach from the R559/L12039 junction

Mr. McMahon advised the meeting it was in order to pass a resolution to make the Kerry County Development Plan 2015 – 2021 excluding the 6 rights of way which he listed. Section 14 of the Planning and Development Act provides that pending the outcome of the legal proceedings these rights of way will not be included in the Plan. The Court will decide whether or not the rights of way will be included in the Plan.

Cllr. J. Healy-Rae referred to the Ring of Kerry road which is a national secondary route and said when a farmer's son or daughter is granted permission the NRA appeals the decision to An Bord Pleanála. Kerry has 112 miles of national secondary roads while other counties have much less. These planning applicants propose to use existing entrances and he asked if provision is made to facilitate these applicants in the new County Development Plan provided they satisfy the normal criteria.

Cllr. D. Healy-Rae supported the views expressed by Cllr. J. Healy-Rae in relation to farm family members. Adequate signage is required for businesses on national primary and secondary roads to ensure their survival and he asked if

provision was made for this in the Plan. Cllr. Healy-Rae said in his submission he requested that applications for permission in the areas from Loo Bridge to Kilgarvan and in the Shandrum Valley would get favourable consideration and he asked if this was included in the Plan.

Cllr. T. Ferris said it was mentioned that Senior Council opinion would be sought on whether the Council should defend the rights of way appealed to the Circuit Court. However, she believed during the course of the debate on rights of way she asked if the Council would defend a case that was appealed in the Circuit Court and the Chief Executive said as it was a decision of Council it would be defended. Following this she understood any appeal would be defended. She asked that the local community would be consulted in the first instance as there are residents in Akearagh in their '80's and '90's who are willing to swear Affidavits that they have used these rights of way for years. Cllr. Ferris said there are one or two issues in the County Development Plan that she did not agree with and while she accepted the democratic process she could not support the adoption of the Plan.

Cllr. S. Fitzgerald asked if members could exclude one of the rights of way that is the subject of an appeal to the Circuit Court.

Cllr. M. O'Shea said the NRA appeals permissions granted on national secondary routes and this is unacceptable. This is a national issue and he called on Oireachtas members to raise it.

Cllr. N. Foley agreed that local residents should be consulted by the Council as they have a wealth of information. She asked when the appeals would be heard by the Circuit Court.

Cllr. D. Quigg supported the views expressed by Cllr. D. Healy-Rae in relation to signage. This is very important for tourism and appropriate signage that is attractive should be permitted. If provision was not made in the Plan for this he would not support the making of the Plan.

Cllr. N. Kelleher said he understood the County Development Plan could not be amended at that meeting and the Plan must be adopted. Members spent long days discussing the Plan and they voted democratically for or against the various proposals. Members must adopt the Plan for the greater good.

Cllr. M. Cahill supported the views expressed by previous speakers in relation to objections by the NRA to permissions granted on national secondary roads especially where it is proposed to use existing entrances.

The Cathaoirleach said this is the end of a two year process which was very constructive. There were issues he did not support but were included in the Plan. However, by and large it is a very good Plan and he would support it.

In response Mr. McMahon said this is the first time since the 2012 Guidelines on Access to National Routes were introduced that 'exceptional circumstances' were

agreed with the NRA in relation to national secondary routes. There is no such provision in the current Plan. 'Exceptional circumstances' were agreed with the NRA in relation to the N70 from Killorglin to Caherciveen to Kenmare and on the N71 from Killarney to Kenmare and to the Tunnels. The following is the criteria to apply to 'exceptional circumstances':

- ❖ There is no suitable alternative non national public road access available
- ❖ The development otherwise accords with the Development Plan
- ❖ Safety issues and considerations can be adequately addressed in accordance with the NRA's design manual for Roads and Bridges.

It was not possible to agree 'exceptional circumstances' with the NRA for other roads. However members decided to make provision for 'exceptional circumstances' on other roads in the Plan. Once the new Plan is in place for the first time An Bord Pleanála, in dealing with appeals, must take account of the 'exceptional circumstances' agreed with the NRA. There were extensive debates on the County Development Plan over the past two years with approximately 10 Special Planning Meetings held during that time. Signage on national routes is governed by Ministerial Guidelines and any application for signage must be dealt with under these Guidelines. Any right of way which is the subject of an appeal to the Circuit Court cannot be considered by Council. The returnable date for the Circuit Court appeal is the 3<sup>rd</sup> March. A Barrister was engaged the previous Friday and the strategy to be adopted will be based on the legal advice available.

Cllr. T. Ferris asked if the Council would definitely defend these cases.

The Chief Executive said, as is normal practice, where a legal challenge is taken against a decision of the Council an assessment of the Council's exposure is carried out. This also applies to the 6 rights of way appealed to the Circuit Court. When this issue was raised at a previous meeting she said that it would be most unusual for the Council not to defend a case and also that Counsel has been engaged to assess all 6 rights of way and to assess the risk involved for the Council.

Cllr. T. Ferris said the Council will either defend these challenges or not and this must be done to the best of our ability and the Council should consult with the community group. Cllr. Ferris said it appeared to her that Management are still undecided whether to defend these cases or not.

The Chief Executive pointed out that these cases are sub judice and she did not want to influence the proceedings. She noted Cllr. Ferris's suggestion that the Council should consult with the community but pointed out that the action is against the Council. She would not discuss the defence strategy at the meeting.

Cllr. Ferris said the Chief Executive did not give a clear statement that these cases would be defended.

The Chief Executive said she must first assess the risk and consider the options open to Council as is normal procedure.

Cllr. N. Foley said from the Council's point of view members unanimously agreed to include the right of way in Akeragh in the County Development Plan. It is rare that members agree unanimously on such an issue but they were clear in their support for the Akeragh right of way. She accepted that the Chief Executive would not divulge the legal strategy to the meeting but said members voted unanimously to include that right of way in the Plan and they want the challenge defended.

Cllr. J. Finucane said he proposed that the right of way would be purchased in Banna and he was aware that some discussion did take place with the landowner. He added that a financial consideration could resolve this problem.

Cllr. P. Daly said when members discussed the inclusion of rights of way in the County Development Plan there was scare mongering about the Lissadell case. He called on Management to take the express wishes of members on board and to defend these cases.

Cllr. B. Cronin referred to the 'exceptional circumstances' provided for in the new Plan and said this was discussed at length over the past two years and it is the first time such a provision is made in a County Development Plan. There are elements of the Plan that he was not happy with but the provision for exceptional circumstances allows members to assist families who had difficulty getting permission. For this reason he called on members to support the Plan.

Cllr. D. Healy-Rae asked if the exceptional circumstances provision applies to the road from Rathmore to Lissivigeen and the road from Killarney to Killorglin.

Mr. McMahon said while they are included in the Plan they were not agreed with the NRA.

Cllr. J. Finucane PROPOSED that we the members of Kerry County Council having considered the amendments that went on public display and the Chief Executive's Report on the submissions/observations received this Council hereby resolves, pursuant to Section 12(10) of the Planning and Development Act 2000, to make the Kerry County Development Plan 2015 – 2021 with the amendments previously agreed subject to the modifications to amendments made at the Special Planning Meeting held on the 12<sup>th</sup> January, 2015 save that we resolve to exclude Right of Way Nos. 3a, 3b, 3c, 4, 25 and 29a which are the subject of Circuit Court appeals.

Cllr. B. O'Connell SECONDED this proposal.

A vote was taken on this proposal which resulted as follows:



**For:** Cllrs. Beasley, Cahill, Connor-Scarteen, Cronin, Culloty, Daly, Ferris, Finucane, Fitzgerald, Flynn, Foley, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Kennelly, Locke, D. McCarthy, P. McCarthy, Moloney, Moriarty, Nolan, O'Brien, O'Connell, O'Shea, Purtill, Quigg, Sheahan, Spring, Thornton, Brassil **(31)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Gleeson, McEllistrim **(2)**

The Cathaoirleach declared the proposal CARRIED.

#### **15.02.16.06 Issue of Annual Declaration Forms (Ethics)**

Mr. G. O'Brien referred members to his report dated 10<sup>th</sup> February 2015 on this item which was circulated. He informed the meeting that the Annual Declaration Forms have issued to members and the closing date for receipt of completed Forms is 28<sup>th</sup> February, 2015.

#### **15.02.16.07 Draft Training and Development Programme for Councillors**

Mr. G. O'Brien referred members to the Draft Training and Development Programme for Councillors 2015 which was circulated. Since 2010 it is a requirement that a local authority must adopt an Annual Training and Development Programme for elected members. However in June 2014 AILG were nominated by the Department to co-ordinate the training on behalf of members. Some additional topics have been added for 2015 and if members have any additional training requirements they can be included in the Programme.

Cllr. D. Grady said any event councillors are entitled to attend should be stated publically.

Mr. O'Brien said members must be authorised to attend all events and while it would be possible to authorise all members in block it would be problematic from an administrative point of view and the present system works well.

Cllr. T. Ferris asked that AILG would again be notified that the training events are being held mid week and that does not suit all members. She commended the Council for holding Irish language classes and she asked that those who have reasonable Irish would also be facilitated with appropriate classes.

Mr. O'Brien informed members that in the Training Schedule issued by AILG recently at least one event in a series is held at a weekend. The Department issued a circular the previous Friday stating that on a pilot basis for three months a member wishing to attend a weekend event, even though it is not in their area may do so and be paid expenses. That Circular will issue to members shortly.

Cllr. J. Finucane pointed out that the IPA does not put on any courses at the weekend and he asked that a letter would issue to them asking them to provide courses at weekends.

The Cathaoirleach pointed out that there is a full list of AILG Training events included on the Agenda.

#### **15.02.16.08 Draft Policy on the Allocation of Councillor Specific Municipal District Operations Fund**

Cllr. J. Sheahan said in the development and adoption of the Council Budget for 2015, a provision was made for a General Municipal District Allocation (GMA), the total sum allocated amounting to €1.7m, across the 4 Municipal Districts in the County.

The total amount of GMA provided was allocated on the basis of maintaining the existing levels of specific financial supports in the Town Councils 2014 Budgets and Kerry County Council supports, and taking into consideration the varying population levels/areas of the Municipal Districts but also factoring in an adjustment in relation to the regional towns in the District Areas. It consists of two distinct schemes:-

- A Councillors Specific Municipal District Operations Fund, totalling €957,000, and
- A Municipal District Amenity/Recreation/Community Support Fund of €750,000.

The Councillor Specific Municipal District Operations Fund, replaces the former County Councillors Roads Allocation, which is €29,000 per Council Member. Traditionally this funding was used solely for minor improvement and maintenance works on local roads.

The revised scheme is a Discretionary Fund and is for allocation by Members in a flexible manner according to their own priorities across all areas of work operations within the Municipal District.

Cllr. Sheahan outlined the key principles of the Policy and said a list of suggested eligible works is set out on Page 4 of the report circulated. He said the SPC recommended the adoption of the Draft Policy to Council.

Cllr. N. Foley acknowledged the work that went into preparing the Draft Policy. While she welcomed the Policy she expressed the following concerns – (1) why is there a minimum allocation of €1,500 and what is the logic behind it (2) the allocation of €29,000 is not adequate for members in the Tralee MD as the area is larger and the scope of works covered by the Policy has increased.

Cllr. D. Grady welcomed the Policy but said it is not correct to have a minimum cost of €1,500 and he would like to see that deleted. The allocation of €29,000 per member is low but he accepted there are additional members so the overall fund has increased.

Cllr. P. Daly referred to the minimum cost per job of €1,500 and said he got a price for a job of €6,000 to €7,000. A number of councilors will contribute to this job and he asked if that was acceptable. He asked if lighting in communal areas in housing estates would be deemed eligible works under the Policy.

Cllr. N. Kelleher also expressed concern at the minimum cost per job of €1,500.

Cllr. S. Locke welcomed the allocation of €29,000 per member but expressed reservations at the minimum cost per job. It may be necessary to do work that would cost €1,000 and that should be permitted and where a particular job is very costly a number of members can contribute. He asked when a job is complete that it would be reviewed to ensure it is fit for purpose as additional works may be required.

Cllr. D. Quigg welcomed the Policy but also expressed reservations at the minimum cost per job and said members should be allowed allocate whatever sum is required for a job. While the Policy allows flexibility he hoped it would be spent to benefit the community as a whole i.e. on a road that serves 6 or 7 houses and that leads to another road.

Cllr. D. Healy-Rae said if one person is assisted then that community benefits. He asked if the emergency Hardship Fund would continue whereby all members would contribute €2,000 to the fund. He PROPOSED that the minimum cost per job of €1,500 would be deleted from the Policy. Cllr. Healy-Rae requested clarification on the statement that "Works must benefit the public road" and asked if an allocation can only be made for works in a housing estate that has been taken in charge by the Council.

Cllr. J. Healy-Rae said all members deal with individual issues and he asked that the words 'and not an individual' would be removed from the Policy. He also requested that the minimum cost per job of €1,500 would be deleted.

Cllr. P. Connor-Scarteen welcomed the greater flexibility in the new Policy but added that he could not support the inclusion of a minimum cost per job of €1,500. He referred to the Amenity/Recreation Fund and asked what input members would have in the allocation of this fund.

Cllr. T. Ferris said she did not understand member's objection to the minimum cost per job of €1,500 as this was €2,000 under the old Policy however there was scope for discretion. A number of members wanted to allocate €250 towards the provision of a shelter in a graveyard but they were informed this work did not satisfy the criteria. She asked that this case would be reviewed as she felt these works should qualify for funding. Cllr. Ferris asked if the Policy was adopted that Management would permit works to progress where allocations have already been made even though the works have not been carried out and may not come within the remit of the new Policy.

Cllr. J.F. Flynn supported the views expressed by previous speakers in relation to the minimum cost per job and asked if public lighting would be permitted under the

new Policy. He requested a price for the provision of one light and the price he received was €6,500 and he thought this was a scandalous price. He asked that it would be reviewed.

Cllr. M. O'Shea referred to roads and said the costing of jobs needs to be reviewed as the costs are enormous.

Cllr. B. Cronin agreed with the views expressed by Cllr. O'Shea in relation to the cost of works and he welcomed the fact that a breakdown of costs will be given to members by Mr. O'Sullivan. There were instances where a person's property was flooded from the public road as a result of bad drainage and he believed this person should be assisted. He agreed that the reference in the Policy to 'an individual' should be removed for this reason. By improving the drainage on the road all road users will benefit. There are a lot of issues in relation to housing estates and he asked that it would be clearly stated that members can only allocate funding for housing estates that have been taken in charge by the Council.

Cllr. P. McCarthy asked if there is a requirement for a local contribution such as labour for the allocation of funding from the Amenity/Recreation Fund. If that is the case he asked would this be covered by insurance.

Cllr. M. Cahill asked if CCTV Cameras are included under this Policy and are repairs and strengthening works to an embankment included also.

The Cathaoirleach asked if members can only allocate funding for work within their Municipal District or could a member contribute to work in another Municipal District. He was in favour of retaining funding within a Municipal District.

Mr. C. O'Sullivan said he understood the Policy was to be as broad as possible. A minimum allocation of €1,500 was included in the old Scheme. This is a general guidance and a certain amount of administration goes into the processing of each application for works. A large number of small jobs would result in an increase in administration costs that would have to be funded. He acknowledged that there should be discretion on the minimum allocation per job and he said the €1,500 is a guideline. An additional €180,000 is provided in 2015 to ensure the allocation of €29,000 is maintained even for the increased number of members. He added that there are two additional members in the Tralee MD therefore there is an additional €58,000 for this MD. It is his intention to give a breakdown of costs for a number of bigger jobs and he said a request was received for a pedestrian crossing and the components alone would cost €12,000. Works should be for the benefit of the general public and the wider community. If a property is being flooded these works will benefit all those who use the public road. Mr. O'Sullivan advised members that work cannot be carried out to a person's property under the Policy however there is flexibility for the maintenance of a road as the road will benefit all users. He undertook to review the case referred to by Cllr. Ferris in relation to the provision of a shelter in a graveyard and to revert to Cllr. Ferris on it. There is a separate process for housing estates that have not been taken in charge and the LGA does not permit work to be undertaken on private land but work can be undertaken to the communal areas in housing estates that have been taken in

charge. When the Budget was compiled an element of staff costs was included and much of this work will be done by Council staff rather than by private contractors. The provision of CCTV Cameras comes under the Community Support Fund. If an embankment is owned by a local authority funding can be allocated to it but not otherwise.

Cllr. J.J. Culloty again asked if the Council would carry out works where a property is under road level and the road has sagged resulting in water flowing onto a property. This is not the fault of the property owner and the Council should rectify the problem.

Cllr. B. Cronin said in some locations the NRA funded substantial overlay of roads when water was diverted to private property. He was aware of at least three such cases.

Cllr. M. O'Shea asked if a landowner would be permitted to contribute to the cost of works.

Cllr. J.F. Flynn asked if CCTV Cameras could be funded from Councillors Allocations.

Cllr. D. Healy-Rae said while the funding provided for Councillors Allocations increased by €180,000 the Killarney Municipal District did not benefit from this. He would not agree that members should be allowed allocate funding outside their MD.

Cllr. J. Healy-Rae said he was also opposed to members allocating funding outside their MD and he PROPOSED that the minimum allocation of €1,500 would be deleted.

Cllr. D. Healy-Rae SECONDED this proposal.

The Cathaoirleach said he understood members wanted the reference to 'individuals' removed from the Policy and he said the minimum allocation of €1,500 is only a guideline.

Mr. C. O'Sullivan said it is up to members to amend the Policy if they so wish. He undertook to remove the reference in the Policy to an 'individual'. He advised members that the spending of Councillors Allocations is restricted to within their Municipal District as the funding is provided in the Municipal District Fund. The provision of CCTV Cameras will not be funded from this Fund as these works would come under the Community Support Fund. Mr. O'Sullivan noted members' comments in relation to the raising of roads and said any works required to alleviate flooding of property as a result of road improvements should be funded from general funding and he would convey this to the engineers.

### **15.02.16.09 2015 Community Support Fund Guidelines**

Cllr. R. Beasley, Chairman of the Tourism, Arts, Culture and Recreation SPC referred members to his report dated 10<sup>th</sup> February, 2015 on this item which was circulated. He briefed them on his Report and the Guidelines as follows:

- The SPC was anxious that the application process would be immediately commenced and accordingly, it is envisaged that the application forms will be immediately available and will be publicly advertised with a return date of Friday 13<sup>th</sup> March, 2015.
- Following assessment of the applications received, it is proposed to convene special meetings of the Municipal District Members to consider and agree the allocation of funding.
- The Draft Guidelines seek to give clarity through commentary and example of the desired community outcomes from this available funding and the types of community assistance projects which can qualify for funding and those which are specifically excluded.
- This available funding, which has been put in place following the decision on LPT for 2015 by the Elected Council, seeks to bring additionality to community development and community projects.

Cllr. Beasley outlined the funding allocated to each of the Municipal Districts from this Fund together with the eligible/ineligible projects. In conclusion Cllr. Beasley recommended the adoption of the Guidelines by Council.

Cllr. N. Foley referred to the closing date for receipt of applications i.e. 13<sup>th</sup> March and asked that organisations that received funding in the past would be notified of this closing date. Some events will be held later in the year and she asked if some funding would be retained to facilitate such requests. Cllr. Foley asked how the funding was allocated between the Municipal Districts as Tralee is the county town yet it did not receive the greatest allocation.

Cllr. A. Thornton said the Guidelines state in relation to minor capital projects the contribution cannot exceed 50%. She expressed concern that the Guidelines may exclude groups like Tidy Towns Committees as they may receive funding from the local authority. Cllr. Thornton asked that application forms would not just issue by email but that they would be posted also.

Cllr. J. Moloney pointed out if members did not decide to retain the current rate of LPT this funding would not be available. He pointed out that St. Patrick's Day is fast approaching and many communities will be organising parades and other events and would like to apply for funding. In 2014 Listowel Writers Week received €9,000 and they are compiling their programme at present. Cllr. Moloney asked how the allocation of funding will be decided. He stated that it is difficult to quantify the work of Tidy Towns groups and it is hard to predict what work will be done so early in the year.

Cllr. J.F. Flynn referred to K-Fest and asked if a group could apply for a grant through the Arts Office and also apply for funding through the Community Support Fund.

Cllr. D. Nolan referred to the tax clearance procedures set out in the Guidelines and said they are too prescriptive and she expressed concern that this would prevent smaller groups from applying for funding. She asked that assistance would be provided to groups or that an information book would be made available to them. Some community work can involve payment in kind and she asked if this would be taken into account in assessing an application.

Cllr. P. Connor-Scarteen welcomed the Guidelines and asked that application forms would be emailed to councillors as soon as possible.

Cllr. D. Grady welcomed the Guidelines and said a lot of good work is being done by communities.

Cllr. M. O'Shea welcomed the Community Support Fund and said an issue will be the overlapping of projects such as those that may also be eligible for Leader funding. Cllr. O'Shea said he thought the Guidelines would be broadened.

Cllr. N. Moriarty asked what percentage of matching funding would be required.

The Chief Executive said a sum of €1.8m is provided in the Budget for the Municipal Districts. Because the members decided to retain the present rate of LPT this funding is available to be spent in the community. This is the first year of the Community Support Fund and the SPC attempted to put a structure on it. The Scheme will be reviewed after the first year. The Chief Executive said she anticipated the projects assisted by this Fund would be different to those assisted by LEADER. When the funding was allocated to the Municipal Districts a few key principles were applied (1) it was important to hold the level of funding where there were Town Councils in the past, (2) the population of regional towns was also taken into consideration etc.

Mr. J. Breen said it was the intention that the Scheme would be as flexible as possible. This is an initial Scheme and it may be necessary to push out the dates. He did not envisage that projects that receive LEADER funding would be supported under this Scheme. He emphasised that it is intended that this fund will create additionality and will not replicate other funding. CCTV cameras are funded by the Department of Justice. Tidy Towns groups must consider their anticipated expenditure to enable them to apply for funding. Mr. Breen assured members some funding would be retained for applications received later in the year. The Fund will be administered through the Community Department and it is hoped the application forms would be available in a week. The Guidelines on LEADER funding have not yet issued and the K-Fest may apply for funding from the Community Support Fund. It will be a matter for the members of each of the Municipal Districts to agree the allocations. Mr. Breen pointed out that this is an additional €0.75m that is available to communities.

## Minutes February 2015

Cllr. N. Kelleher said Mr. Breen said this €0.75m was not available to the community in the past yet members were circulated with a list of organisations assisted by Town Councils in the past. He asked if it was correct to state that allocations were made out of last years Budget.

The Chief Executive said where Town Council's had committed funding that level of funding was held. It will be up to members to decide on the allocations.

Cllr. Kelleher said it is not practical for members to take away funding that communities/groups received in the past.

The Chief Executive said she was simply stating that this is reflected in the allocation.

Cllr. D. Quigg said many groups are working to bring tourists to their areas including K-Fest and members want to see the Fund spent in areas that are working. In this regard he was not convinced the Guidelines are appropriate.

Cllr. J.J. Culloty asked if the organisers of the Killarney running event can apply for funding.

Mr. Breen confirmed they can apply.

Cllr. J.F. Flynn said South and West Kerry has the largest geographical area and also the largest population of all the Municipal Districts and the allocation for this Municipal District does not reflect this.

Mr. J. Breen said the allocations were already agreed with each of the Municipal Districts and members must now adopt the Guidelines.

Cllr. M. Cahill said each Municipal District was only given the figures for their Municipal District. Based on the geographical area and population South and West Kerry is the largest Municipal District in the county and it is being discriminated against in the allocation of funding.

Cllr. T. Ferris pointed out that a lot of amenities i.e. Tralee Sports and Leisure Complex and the Health and Leisure Complex in Killarney receive assistance yet people from other areas benefit from them.

Cllr. J. Brassil PROPOSED that the 2015 Community Support Fund Guidelines be adopted.

Cllr. D. Grady SECONDED this proposal.

Cllr. T. Ferris proposed an amendment as suggested by Cllr. Nolan in relation to the tax clearance requirements for community groups.



Mr. Breen confirmed that this could be included in the Guidelines and he said tax clearance requirements relate to Capital Projects. It is intended that the Guidelines would be as inclusive as possible and this is the first year of this Fund.

The Chief Executive pointed out that each Municipal District agreed their General Municipal District Allocation and this was adopted with the Budget.

Cllr. N. Foley requested confirmation that the allocation of funding would be brought to the Municipal Districts again for clarification and input by the Municipal Districts.

The Chief Executive said the Fund is an allocation from the 2015 Budget and applies to 2015 only.

Mr. G. O'Brien said a vote would then be taken on Cllr. J. Brassil's proposal that the Draft 2015 Community Support Fund Guidelines be adopted. This proposal was seconded by Cllr. Moloney.

The vote resulted as follows:

**For:** Cllrs. Beasley, Connor-Scarteen, Cronin, Culloty, Daly, Ferris, Finucane, Foley, Gleeson, Grady, D. Healy-Rae, Kelleher, Kennelly, Locke, P. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O'Connell, Purtill, Sheahan, Spring, Thornton, Brassil **(25)**

**Against:** Cllrs. Cahill, Flynn, J. Healy-Rae, D. McCarthy, O'Shea, Quigg **(6)**

**Not Voting:** None **(0)**

The Cathaoirleach declared the proposal CARRIED.

The Cathaoirleach informed the meeting he would then take Item 12.

**15.02.16.12 Presentation on the iconic viewing points in Kerry by Mr. J. Griffin, County Tourism Officer**

Mr. J. Griffin, County Tourism Officer said progress has been made on the Wild Atlantic Way over the past two years. The Wild Atlantic Way is a coastal touring route extending 2,500 km along Ireland's Atlantic coast from Donegal to West Cork. The purpose of the Wild Atlantic Way was to address the declining share of tourism business going west, the declining number of visitors (especially UK) bringing their own cars and to re-balance Tourism i.e. the Regions vis-à-vis the East Coast. The Scheme was modelled on a number of international Schemes including one in Western Norway. Of the 2,500 km, 550km are in Kerry which is the longest section of any county. All directional signage is now in place and Kerry has 25 Discovery Points and 6 Island Embarkation Points. There has been a great response from overseas visitors and a marked increase in visitor numbers on the route. A grant package of €256,000 is provided for Kerry Discovery Points and improvement works are nearing completion at 25 sites. Site markets (now called Photo Points) and Interpretative Panels will be erected at these locations before

the peak summer season. 15 Discovery Points along the West Coast have been designated by Fáilte Ireland as Iconic or Signature Viewing Points. There are two of these in Kerry (a) Skelligs and (b) the Blaskets Viewpoints. One further signature point is being sought in North Kerry at Doon West near Ballybunion. The Skelligs and Blaskets Viewing Points have been selected at Bray Head on Valentia Island and the Cliff Face immediately west of Blasket Island Centre in Dunquin.

Mr. Griffin then displayed photos of some viewing points in Norway and said the Council is setting a very high standard for the Kerry iconic viewing points. Eight different sites were considered in South Kerry and Bray Head was selected and the Cliff Face west of the Interpretative Centre. The Bray Head site is on the western part of the Island and the Council is working with the Knight of Kerry. There is a car park and the old Signal Tower there with a 360° view from the top of the Tower. The previous week Kerry County Council invited Expressions of Interest from Designers for the Provision of Architectural Services for Bray Head. This includes request for concept drawings and will proceed to a full service for design and planning. The project has the support of the Knight of Kerry (owner of the tower) and the Valentia Island Development Company. The extension of the WAW route on Valentia from near Geokaun to Knightstown is being sought by Kerry County Council but Fáilte Ireland has the final say. The development of Bray Head is a priority for Fáilte Ireland but no funding has yet been approved by Government. The Blasket Signature Point is also progressing. It is located at the Cliff Face near the Blasket Centre on OPW land. The OPW is very supportive of this project and they have major plans to improve access, conserve and interpret the Great Blasket Island. They hope to submit a planning application for the View Platform to Kerry County Council in the first half of 2015. The Chief Executive is facilitating meetings between the OPW, Fáilte Ireland and the Department of Agriculture, Heritage and the Gaeltacht to advance the overall plan. It is hoped this signature view point will lead to increased visitor number to Ionad Blascaoid.

Mr. Griffin informed the meeting the third iconic site is located at Doon West in Ballybunion and was identified by Ballybunion Development Company. Kerry County Council is working to get Fáilte Ireland support for this site as it is not currently on the 'List of 15' Signature Points. This is viewed by Fáilte Ireland as a Phase 2 project. The Council hopes to seek Expressions of Interest for the design for Ballybunion by the end of March but it is a longer term project than the others. In conclusion Mr. Griffin said the list would be reviewed in two years.

All members welcomed Mr. Griffin's presentation.

Cllr. P. Daly asked that the Council would lead by example and any conference/ launches etc. would be held on the Wild Atlantic Way.

Cllr. J. Finucane said he requested that Kerry County Council would host a meeting of all counties on the Wild Atlantic Way. This is a most imaginative project and it is vital that Kerry County Council is the driving force behind it. It is excellent that Kerry has two signature points but we should strive to get the third in Ballybunion. When the Roads Programme is being adopted consideration must be

given to the route of the Wild Atlantic Way and the feedback received must be taken on board.

Cllr. M. O'Shea asked if funding is available to support indigenous groups who want to start up business on the Wild Atlantic Way.

Cllr. P. Connor-Scarteen welcomed the Signature Point at Bray Head and said he hoped the link to Knightstown would be included. He also asked that an iconic viewing point at Lauragh, looking across Kenmare Bay, would be included.

Cllr. N. Moriarty welcomed the fact the Council is pursuing an extension of the Wild Atlantic Way to Geoghan Mountain and she was glad the list would be reviewed in two years. Certain points were given Category 4 status and she asked what that means in the context of the review in two years.

Cllr. T. Ferris said if Ireland can achieve what Norway achieved it will do very well. She was at one of the viewing points in Norway and she did not believe it was as spectacular as the views in Kerry. It is vital that Kerry has something different to offer and St. Brendan's Story involves a huge part of this county and it is a link with celtic Ireland. She asked that consideration would be given to including St. Brendan's Story on the Wild Atlantic Way.

Cllr. J. Healy-Rae said in a short period there is already a great product to offer tourists. He asked if the Council is successful in having the route extended to Knightstown will there be a viewing point there also.

Cllr. N. Foley asked when it is envisaged that the site at Doon West, Ballybunion will be developed. Kerry has many tourism providers and it is important there is cohesion among them in the marketing of the county. She agreed with Cllr. Daly that any conferences/launches should be held on the Wild Atlantic Way.

Cllr. R. Beasley thanked the Chief Executive and Mr. Griffin for their interest in promoting tourism in the county. The Wild Atlantic Way is the best initiative for years for traditional seaside resorts. He asked that the iconic viewing point at Doon, Ballybunion would be pursued.

Cllr. G. Spring referred to the viewing points and said there is an imbalance between North and South Kerry. He welcomed the proposed inclusion of the viewing point at Ballybunion and asked if capital funding would be made available for the development of the viewing points. Cllr. Spring also asked if An Taisce has lobbied against them.

The Cathaoirleach, Cllr. J. Brassil expressed concern at the lack of funding for the maintenance and improvement of roads on the Wild Atlantic Way. This is presented as an iconic project yet no additional funding is provided for roads on the route.

Mr. J. Griffin said the Chief Executive has raised this issue with the CCMA. The Wild Atlantic Way has only just begun and is 2 years into a 10 or 20 year programme. As a result of this initiative it is hoped to bring tourists into the peripheral areas. The accommodation base in Kerry would be Killarney, Tralee, Dingle and Listowel where there is adequate accommodation to meet demand. The OPW figures show a 10% increase in visitor numbers in 2014 while some attractions had a 20% increase. The government provided €8m last year for signage with further funds being provided in 2015 to progress the viewing points and he hoped funding may be provided for the viewing point at Bray Head. All the viewing points are in Prime Special Amenity Areas and great care must be taken to blend them into the area and not to harm the environment. It was decided to proceed with the Ballybunion site and to take it to design stage.

The Cathaoirleach thanked Mr. Griffin for his presentation.

**15.02.16.13 Presentation by Mr. Tom Hayes & Mr. Jerry Moloney of Enterprise Ireland**

The Cathaoirleach welcomed Mr. Tom Hayes and Mr. Jerry Moloney to the meeting.

Mr. Hayes first addressed the meeting and said Irish business delivered 180,072 in total employment in 2014 and this is the highest number of people employed in Enterprise Ireland assisted companies in the history of the agency. The net new jobs created was 8,476 and there was an increase in the net employment in every region. Each new job usually means another job in the service economy. Therefore in excess of 300,000 jobs were delivered in direct or indirect jobs in the Irish economy in 2014. 2014 saw the highest level of job creation in the history of the agency and he outlined the number of jobs created in 2013 and 2014 as follows:

	<b>2013</b>	<b>2014</b>
Gross Gains	18,033	19,705
Gross Losses	12,591	11,229
Net	5,442	8,476

In 2014 there was the lowest level of job losses since 2000 with the highest level of job creation in the history of the agency. Approximately 1,000 jobs started with Enterprise Ireland and Local Enterprise Office support. 183 new businesses were established with financial support and 102 of these were high potential start ups (HPSUs). 137 entrepreneurs honed their business ideas on the 'New Frontiers' programme while 11 new businesses spun-out from third level. 10 mobile entrepreneurship projects were won for Ireland and 43 new businesses were established by ambitious business women, 18 of which were HPSU's. There was significant progress on the transition from County Enterprise Boards to Local Enterprise Companies. The LEOs are a first stop shop and are key to the Enterprise eco-system. Mr. Hayes then outlined how Enterprise Ireland supports innovation. EI invested in the international growth strategies of 412 Irish companies. EI opened two new offices in Abu Dhabi and Perth and they deployed

20 additional Market Advisors in High Growth Markets. Mr. Hayes outlined how EI helped clients anticipate and respond to growth opportunities.

Mr. J. Moloney then addressed the meeting and said in Kerry EI have offices in Denny Street, Tralee with 4 staff. They support approximately 125 client companies. Client companies employ approximately 4,300 staff and they are involved in a variety of sectors – Food, Engineering, Financial Services, ICT, Construction Products etc. Mr. Moloney then outlined the LEO activity in Kerry during 2014 and said €320,026 was allocated in grants. 26 projects were assisted with 70 combined f/p time jobs created. 47 training courses were delivered with 843 people taking part. 110 mentoring sessions were held with 237 participants. In recent years a number of Community Enterprise Centres were funded and they included:

- Killarney Technology Innovation Centre – 1989; 2002 & 2006
- Iveragh Co-op Farmers Mart Society Ltd – 2002 & 2008
- Kenmare Mart Enterprise Co-op Society Ltd – 2007
- Firies Community Development Ltd – in construction currently
- Listry Community Council – has not commenced

Mr. Moloney outlined the Entrepreneurship Start-Up Support and 3<sup>rd</sup> Level Collaboration in Kerry as follows:

- EI funded €2.2m to build the Tom Crean Centre – 2002
- Currently Funding the New Frontiers Programme in IT Tralee with 10 companies per year benefitting from €250k approx /year support.
- €2.6m funding up to Dec 2017 to the Shannon Applied Bio-research Centre (ABC) & Intelligent Mechtronics & RFID (IMaR) Centre with approx. 25 staff in these centres working on company projects locally and nationally
- Supported 23 R&D projects in 23 companies to a value of €400, 000 in 2014.
- Approved 23 Innovation Vouchers (€5,000/ project) in 2014 – IT Tralee.

Mr. Moloney said in the past two years EI funded 6 Kerry companies through the High Potential Start- Up (HPSU) equity investments. Over the past 4 years an additional 14 Kerry companies received Competitive Start Funding (CSF) – (€50,000 equity against €5,000 matched company fundng). In 2014 5 Kerry companies got CSF support while 3 Companies were successful in Competitive Feasibility Funds – (up to €25,000 at 50% of cost). Mr. Moloney said there were some job losses and closures during 2014 while there was an increase of 321 new full time jobs in Kerry in 2014.

### **Suspension of Standing Orders**

The Cathaoirleach said it was 1.40pm and it would be necessary to suspend Standing Orders.

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

**15.02.16.13 Presentation by Mr. Tom Hayes & Mr. Jerry Moloney of Enterprise Ireland (Cont'd)**

All members welcomed the detailed presentations.

Cllr. N. Kelleher said while there are a number of good initiatives there is a gap in that businesses that employ in excess of 10 people and are not exporting cannot get grant aid to expand their business. He asked that the remit of the LEO would be increase from 10 to 25 as many companies provide services to the Irish economy. Cllr. Kelleher said he is a tenant at KTI but all units are occupied and additional space is required. Adequate broadband is required to attract business to the county.

Cllr. D. Grady said EI are doing all they can for Kerry. He pointed out that fibre optic broadband is available at the old Pretty Polly site in Killarney and this should be promoted.

Cllr. M. Gleeson said if we are to survive as equals we must be treated as equals. The standard of the road from Killarney to Cork is appalling and the road through Adare is an enormous hindrance to attracting business to Kerry. He spoke to a Kerry Group executive who said if Adare was bypassed it may have been possible to locate their R&D facility in Kerry rather than in Kildare.

Cllr. D. Healy-Rae asked to what extent does the lack of proper access to the county, impact adversely on efforts to attract business to the county. Access from Cork and Limerick are totally inadequate. It was suggested when Kerry Group decided to locate their R&D facility in Naas that the available workforce in Kerry was not qualified for these positions.

Cllr. D. McCarthy said he knew Mr. Moloney from dealing with him in Kenmare and EI have a major role in the provision of jobs in Kerry.

Cllr. P. Connor-Scarteen welcomed the 321 new full time jobs created in Kerry in 2014. He requested clarification on the Action Plan for Jobs 2015.

Cllr. J.F. Flynn said KETB do not provide courses in forestry and he asked if Enterprise Ireland would fund these courses.

Cllr. J. Finucane said it is crucial that Enterprise Ireland has an office in Kerry that is accessible and the commitment of having a presence in the county cannot be overstated. This also applies to the LEO. What is required in Kerry is not a factory but a high end building and high end industry. He understood Tom Crean Park is at capacity and it needs to be extended.

Cllr. G. Spring asked if it would be the IDA or Enterprise Ireland that would be responsible for the implementation of the Action Plans for Jobs. He asked that companies in Kerry would be advised if they should apply. Cllr. Spring asked if the

fact that businesses locating in Kerry will now be entitled to maximum grants will make a difference.

Cllr. S. Locke welcomed the 321 full time jobs created in 2014 and said in an era of '0' contract hours he hoped either Enterprise Ireland or the IDA would not support companies offering that type of contract. There are a number of empty buildings in the county and he asked that these would be used rather than constructing new buildings.

Cllr. B. Cronin said he recognised the good work done by Tomás Hayes and the LEO. The assistance he provides is hugely beneficial and he works well with communities. The Fíres project is well advanced and it is hoped there will be take up of the four units and that jobs will be created. He asked that vacant properties would be utilised where possible and that adequate broadband would be provided.

Cllr. M. O'Shea commended Enterprise Ireland, the LEO and the LCDC on their work and said there is a lack of job opportunities in Kerry. Indigenous industries and small companies should be supported where possible and it would be an added bonus if there was any foreign direct investment in the county.

Cllr. N. Foley acknowledged the work of Enterprise Ireland and the LEO and she agreed that it is vital that Enterprise Ireland has a presence in Tralee. She asked if there is co-operation between Enterprise Ireland, the ITT and KETB in relation to the type of qualifications required. While funding of €8.5m was approved in 2014 just €2.5m was drawn down and she asked if the balance is still available. Cllr. Foley asked if existing buildings could be revitalised and made available to new businesses.

Mr. Tom Hayes said last week the Government announced The Action Plan for Jobs which is a whole-of-Government initiative under which all Government Departments and Agencies work together to deliver on the agreed action points for each year. He was aware of the impact the last number of years has had but said there is now a genuine effort to spread the fruits of economic benefits to all areas. While the location of suitable premises is one aspect of a business a good product is also needed. Under the Action Plan for Jobs Cork and Kerry will work together and there will be a stakeholders meeting when people will be given an opportunity to give their views. Mr. Hayes said they are anxious to hear from the business community what the gaps are locally. He chaired the Action Agenda for Jobs and the single biggest issue was the provision of a good broadband service. Access is also important but being located close to an airport is also important.

Mr. Moloney said companies employing in excess of 10 people should not have an issue but the issue is sustainability. The funding mechanism has not changed for exporting but it is a policy issue.

Cllr. Kelleher said he was not talking about competing with existing companies but having new innovative ideas.

Mr. Hayes said there is a list of enterprises that can be supported and companies with the potential to export can be supported. However if a company, who employs over 10 people, is not adequately catered for that can be reviewed to see if they can be assisted. There is a range of assistance available through the LEO.

Cllr. Kelleher said in general there is a barrier in the business community if the company employs more than 10 people and is not exporting.

Mr. Hayes referred to the query regarding the location of the Kerry new R&D facility in Naas and said while he was not involved with it he understood that operation could have been located anywhere in the world. He was glad they choose Ireland and he understood part of the rationale for their decision to locate in Naas was that a large number of technologists had to be employed.

Mr. Moloney said the Action Plan for Jobs in the South West will be led by the IDA but they will also be working with Enterprise Ireland. There will be discussions with the stakeholders and this may take place in March which is Enterprise Month in Kerry. Mr. Moloney said he was aware the Council is working on proposals for the Pretty Polly site in Killarney and they would be supportive of any development there. He referred to queries regarding the use of existing vacant properties and said most of these were used for manufacturing but the growth is in the IT sector. Enterprise Ireland and the LEO work closely with KETB and the ITT. EI do not fund courses in forestry. In relation to Regional Aid the increased grants are available since last year but no business has been funded since this change. If additional facilities are required in Tralee the only place to locate them is in the Tom Crean Kerry Technology Park.

The Cathaoirleach said with the announcement on the Action Plan for Jobs and the fact that Martin Shanahan, who is from Kerry, is the new IDA CEO he hoped all these initiatives would be successful.

Cllr. M. O'Shea said the Enterprise Ireland presentation was most helpful and he asked that they would make a presentation to Council each year.

Mr. Hayes said a number of very interesting points were raised by members and there are many challenges ahead. He invited members and the business community to engage with them on the issues of concern.

The meeting adjourned for lunch at 2.25pm.

The meeting resumed at 3pm.

#### **15.02.16.10 Draft Policy on 1916 Commemorations**

Cllr. R. Beasley referred members to his report dated 9<sup>th</sup> February, 2015 on this item which was circulated. He informed the meeting that the start of the report outlines the national position. It is anticipated there will be funding of approx. €150,000 available in Kerry and €50,000 of this will be provided by Kerry County



Council. The local authority will lead a number of key projects, working with the County Museum, the Library Service, the Arts Office, Heritage Office and where appropriate with Municipal District Operations Engineers.

As Chair of the Tourism, Arts, Heritage and Culture SPC he PROPOSED that the focus would be strictly on 1916.

Cllr. P. Daly said he did not agree with a single paragraph in the Draft Policy. The first paragraph speaks of 'violence and death' and that is not accurate. Ten times more died in World War I yet we spent a year commemorating it without criticism. In contrast to the Draft Policy presented to members the Constitution is open to all and the only original copy of it outside of Dublin is in Tralee. The document places an over emphasis on inclusiveness and states that 1/10<sup>th</sup> of the people in the county are not of Irish origin. The focus should be on 1916 and we should stand up and be proud of what is contained in the Proclamation. If the Council is not prepared to do this they should hand it over to another body or alternatively give the €50,000 to benefit disadvantaged children of the county.

Cllr. P. Connor-Scarteen welcomed the Draft Policy and asked what the timeframe for implementing it would be. He said it is important that all parties are consulted on the commemorations. He complimented Cllr. Beasley and the members of the SPC for their work on this Draft Policy.

Cllr. T. Ferris concurred with the views expressed by Cllr. Daly. She expressed her bitter disappointment with the Draft Policy and said reading the document she got a sense of embarrassment at the events of 1916. She SECONDED Cllr. Beasley's proposal that events should focus on 1916 only. Cllr. Ferris said when 1916 is being commemorated old tensions will not be re-ignited. Cllr. Ferris then outlined the Sinn Féin proposed amendments to the Draft Policy as follows:

- The first three pages of the Draft Policy which focuses on the national programme to be deleted.
- The following paragraph to replace the Introduction:  
*"The 1916 Rising was an armed uprising against the British Empire in an attempt to gain freedom for all of Ireland by force of arms. While the actual insurrection was undertaken by a small minority of Irish people, within three years electoral results confirmed that the vast majority of people in the 32 counties gave their allegiance to the Irish Republic declared in 1916. The events of Easter 1916 set in train a series of armed and electoral events that would eventually result in a significant degree of independence for 26 of 32 counties. County Kerry played a pivotal role with Banna and Ballykissane being the location of two significant events of easter week. This Commemorative Strategy will provide the basis for the Kerry County Council's promotion and participation in events and activities to commemorate some of the most significant events in the history of modern Ireland."*

- Under the heading 'Policy – 2016 Commemorative Strategy for County Kerry' at the end of the first paragraph the words 'any year' to be replaced by '1916'.
- Paragraphs 2 and 3 under this heading to be deleted and paragraph 4 to read as follows:

*"This was a time of significant achievement. The role of the Irish combatants and their leaders who fought for the freedom of their nation against the vastly superior forces of the British Crown will be recognised. This authority will endeavour to provide solemn remembrance of the most important event in the foundation of modern Ireland displaying pride in our nation's sad but glorious history. This cannot be achieved without tying the commemoration of the Rising to the ideals that inspired it. The proclamation of 1916 remains one of the most important documents in modern Irish history guaranteeing religious and civil liberty, equal rights and equal opportunities to all its citizens, and declaring its resolve to pursue the happiness and prosperity of the whole nation and all of its parts, cherishing all of the children of the nation equally."*

- The following sentence to be deleted from the last paragraph in this section – *"However, the events of 1916 will not be looked at in isolation; Kerry of 2016 is the legacy of each person living in the county today."* The following sentence in the same paragraph also to be amended *"The commemoration policy aims to ensure all citizens ~~(one in eleven of Kerry residents are not of Irish origin (census 2011))~~ of the county are afforded the opportunity to partake in the 2016 program.*
- Page 5 Strategic Objectives – No. 2 – Strategic Actions *"Organise a series of commemorative lectures focusing on various themes or events based in the locations of strategic importance during 1916"* Cllr. Ferris proposed that these would be held in the area where the event happened.
- Page 6 – No. 4 include *"Carry out an audit and compile a map of all sites of significance in Kerry during 1916"*
- Page 6 – No. 7 the Strategic Action to be amended to read *"Organise a series of school and youth group projects. (KCC Arts Office, Library, Heritage Officer)"*
- Add the following Strategic Action at the end of Page 6 *"Creation of local 1916 Committees"*.

Cllr. Ferris emphasised that these commemorations must be driven by local communities. The role played by Bob Monteith should not be forgotten and a wreath should be laid on his grave in Detroit. The Draft Policy fails to demonstrate pride in our nation's sad but glorious history. We should not try to hide our past and the 1916 commemorations must be greater than this. A series

of lectures should be organised as that is what tourists want. A Mr. Cahill who took over as leader of the volunteers is buried in Rath Graveyard and there is no headstone to mark his grave. Whatever is spent on the 1916 commemorations must be meaningful and must mark the significant role the county played in this historic event.

Cllr. J. Finucane said the 1916 commemorations are for the whole country and all political parties. The testimony of those who took part in the 1916 Rising states that they did so to ignite a sense of nationalism. The first split occurred when John Redmond encouraged people to join up and they formed the National Volunteers. Any commemoration should recognise the people involved in 1916 which led to the formation of the State. The events of 1916 are an encouragement and enlightenment for all our people. This was an era of ideals that those involved took on the biggest empire in the world and reignited a sense of patriotism. Roger Casement should be honoured for his extraordinary work in the Congo in the rubber plantations and his landing in Banna to side with a small nation. He was a world figure and one of his legacies is that Ireland is one of the first nations to be asked for peace keepers as we have no colonial legacy. Ireland has a legacy of being accepted by nations around the world. Karl Spindler and the 'Aud' should also be commemorated together with events at Ballykissane. Cllr. Finucane said as Chair of KETB he secured a conference to be held in Kerry to mark 1916.

Cllr. N. Foley said she wanted to acknowledge the work that went into compiling the Draft Policy. She agreed with the language used in the document i.e. liaise with, explore etc. as this includes the community. These events will only be successful if there is positive engagement with communities. She referred to the funding of €150,000 and asked if a portion of it could be allocated to each of the Municipal Districts. This would enable each Municipal District to host events. She asked that there would be extensive public consultation on what events will be commemorated. Cllr. Foley asked that the role of women would also be acknowledged even though they were not always to the forefront.

Cllr. M. Cahill said he believed there should be two significant events in 2016, one in Banna and the second at Ballykissane where the first volunteers lost their lives.

The Cathaoirleach said the Draft Policy was discussed by the SPC and they submitted the Policy to Council for approval.

Cllr. R. Beasley said he proposed an amendment.

Cllr. J. Finucane said he had every confidence in the Chair of the SPC to deliver this programme and said the programme would be developed over the coming months.

Mr. J. Breen said the SPC recommended the Draft Policy to Council for adoption but now the document is changed substantially.

The Cathaoirleach said members must decide to either adopt the Draft Policy as presented or subject to the modifications proposed. If the Draft Policy is to be amended the amended Policy can be brought to the March meeting for adoption.

It was agreed that the amendments proposed would be taken on board and the revised Policy would be considered by the SPC. It would be presented to members at the March Meeting for adoption.

#### **15.02.16.11 Report from Operations SPC**

Cllr. J. Sheahan briefed the meeting on his report on the meeting of the Operations SPC held on the 21<sup>st</sup> January, 2015.

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

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. S. Fitzgerald it was agreed to approve the opening of tenders for the Supply of Wood Chip to Moyderwell District Heating System for Kerry County Council – Closing date: Friday 27<sup>th</sup> February 2015 at 3pm.
- (b) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. F. Flynn it was agreed to approve the opening of tenders for Procurement of EIS consultants for the South Kerry Greenway – Closing date: Friday 27<sup>th</sup> February 2015 at 4.30pm.
- (c) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Connor-Scarteen it was agreed to approve the opening of tenders for Architectural Design Services for Viewing Point at Bray Head, Valentia Island – Closing date: Friday 6<sup>th</sup> March 2015 at 4pm.
- (d) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. S. Locke it was agreed to approve the opening of tenders for Active Travel Town Tralee – Procurement of Design Consultants for the Dromthacker / ITT to Blennerveille Cycle Route – Closing date: Friday 6<sup>th</sup> March, 2015 at 4.30pm.

#### **Emergency Motion**

The Cathaoirleach informed the meeting that Cllrs. J. Healy-Rae and N. Moriarty wanted to move an emergency motion in relation to the proposed Greenway between Glenbeigh and Caherciveen and he would allow them to move it as Notices of Motion were the next item on the Agenda.

Cllr. J. Healy-Rae thanked the people in the public gallery for attending the meeting. He PROPOSED that Kerry County Council and all state agencies continue to actively engage in discussions with all of the effected landowners along the proposed Glenbeigh to Renard Greenway and that an agronomist and legal services be afforded said landowners and that any threat of CPO be totally removed to best facilitate negotiations and ensure goodwill for a period of one

month. Cllr. Healy-Rae said some people were accused of being against the Greenway but that is not true as they are fully committed to it. Of the landowners he met who attended a meeting none of them were opposed to it. Serious issues arose and in December he moved a motion calling on management to refrain from commencing the CPO procedure until there was further consultation. It is not possible to get the agreement of 120 landowners. Along the route landowners have taken out the railway line, made fields and built houses. He was concerned that management were pursuing the CPO option too soon. He was informed by landowners that they failed to meet with Kerry County Council representatives. Council officials refused to walk the route with landowners and that is not acceptable. There is in excess of 2000 km in the Kerry Way and landowners received an annual payment for the maintenance of it. The Council wanted permissive use of the route but they had not factored in the maintenance of it. Many of these landowners inherited or purchased this land and some of them have young families. He asked that the threat of the CPO would be removed while he accepted that the funding for the Greenway will only be available for a certain length of time and it will be very advantageous for the area. However the landowners must be brought on side and if the good will of 110 or 115 landowners is there an annual payment should be possible to bring it to fruition. If the Greenway is at the back of the landowners house it will invade their privacy but they may be willing to facilitate it to the front of the house or near the road. Cllr. Healy-Rae asked that an agronomist would be appointed to deal with the landowners. Members were informed if just one landowner does not agree then the CPO procedure must be initiated for all the land. He accepted that is the law but said it is wrong. He asked that the CPO procedure would not commence until the April meeting to allow negotiations to continue with the remaining landowners.

Cllr. N. Moriarty concurred with most of the views expressed by Cllr. J. Healy-Rae. The people of South Kerry need this Greenway but it can only be brought to fruition with the help of the landowners. They feel that every effort has not been made to reach agreement and that the CPO should not be pursued until the April Meeting to afford an opportunity to conclude negotiations with the remaining landowners. She appealed to landowners to reach agreement with the Council as South Kerry needs the jobs this Greenway will create. In conclusion Cllr. Moriarty asked that landowners would be respectfully dealt with and that meaningful negotiations would be entered into with the remaining landowners immediately.

Cllr. M. Cahill moved Notice of Motion No. 27.

**27. Issuing of annual payments to landowners on the Glenbeigh to Caherciveen greenway**

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

In the interest of developing tourism & jobs in the County, I propose that Kerry County Council retain the good will of landowners adjacent to the greenway between Glenbeigh and Caherciveen by issuing an annual payment for the carrying out of maintenance works to the greenway.

**The following reply issued:**

**The councillors will be aware that there has been significant engagement with the local community on the development of the Greenway between Glenbeigh and Cahersiveen. While it is apparent that there is very strong community support for the project, there are individuals along the route who for a variety of reasons are not willing to agree the sale of the required lands for the project. At the December 2014 Council Meeting the Chief Executive undertook to make one more effort to engage with the landowners with a view to acquiring the land by agreement. This has been done but efforts to resolve the situation were unsuccessful. Therefore for the reasons outlined by the Chief Executive at the December Council meeting, the Council has no alternative but to proceed to CPO to deliver the project. In that context compensation for landowners will be agreed on an individual basis. There is no provision for ongoing annual payments in the purchase of land.**

Cllr. M. Cahill said an annual payment to landowners for the maintenance of their section of the Greenway would go a long way to resolving the difficulties with this project. He was becoming very concerned at the delays with this project as South Kerry urgently needs the jobs. This is a golden opportunity to stem emigration. The project is ongoing for over 4 years and there is a potential investment of €4m provided the Greenway is built by 2016. Cllr. Cahill said it has come to the stage where people must decide if they want the Greenway or not. He was informed in the event of the CPO procedure being initiated any agreement previously made would be honoured.

Cllr. M. Gleeson said in 1987 he first proposed to the then Council that the former railway line should be developed for the good of the community. He proposed that a stream train would be considered as a tourist attraction. He knew this line had the potential to transform South Kerry. In November 2013 he and 12 others visited Westport and climbed Croke Patrick and cycled the Mayo greenway. At that time there had been 144,000 visitors to the area and the towns of Mulranny and Newport were transformed as a result of the greenway. People he met spoke of the difference it made to businesses and those involved in the supply of food and other products. In the intervening 15 months a further 50,000 people cycled the greenway. That is the opportunity being presented to the people of Iveragh. Cllr. Gleeson said he was aware of how precious land is but a community's future is at stake. If the project is rejected the community will suffer terminal decline. The Wild Atlantic Way has huge potential but this greenway has even greater potential. If these two proposals become a reality they will transform the area both economically and socially. If a definitive commitment can be given in relation to pursuing the CPO in April he would accept that otherwise the CPO procedure should commence immediately. In conclusion Cllr. Gleeson pleaded with all those involved to bring this project to fruition for the benefit of a part of Kerry that has suffered for 100 years.

Cllr. J. Moloney said the potential benefits of the greenway are well documented. In December Cllr. Healy-Rae requested that the CPO procedure would be delayed and he has now requested that it would be delayed till April. A week ago there was a big protest in West Kerry against the objections by An Taisce to the

improvements to the N86. If the greenway does not proceed Kerry County Council will be like An Taisce. There are schemes where local people could be employed to maintain the greenway. Cllr. Moloney asked that this project would proceed as soon as possible.

The Chief Executive said the advantages and economic benefits of the proposed greenway have been outlined. There is a potential investment of €5m in South Kerry. This is a huge investment and it has the potential to transform the south of the county. Kerry County Council will contribute €1m to the project. A grant has been approved to develop this route which is time bound and construction must commence in 2016. Some members said there was no engagement with the landowners but that is not the case. She asked Mr. Sheehy to outline the level of engagement with landowners to secure the route. A team was appointed to negotiate with in excess of 120 landowners in an effort to secure the route. If one landowner objects the project will be at a standstill. In the Caherciveen to Renard greenway one landowner has stalled the project. In relation to the Glenbeigh to Caherciveen route if the CPO procedure is initiated it must be for the entire route. If there was agreement with all the landowners and one landowner changed their mind at a later stage they would be entitled to close their section of the route. The Chief Executive said the Council did not engage in the CPO procedure lightly but the priority is to secure the route for the greenway. It is essential this route is secured. Cllr. Healy-Rae asked her to stall the process in December which she did and officials tried to get the agreement of the remaining landowners. She cautioned members that if they keep delaying the project the funding could be lost.

Mr. T. Sheehy said, in response to Cllr. Healy-Rae's claim that the Council went for the CPO too soon, Tom Curran and he had a meeting with stakeholders in South Kerry early in 2014 and following that meeting Mr. Curran said it would be difficult to get the agreement of all landowners. Even though the timeframe was tight the Council tried to secure the route by agreement. Five night meetings were held from May to July 2014 and all landowners were invited to attend. The Scheme was explained to landowners and they met with every landowner they could to try to bring them on board. If they missed a landowner he apologised for that. Following this they held a second round of night meetings where they broached the subject of CPO as they had to let landowners know there was another option open to them. Cllr. Healy-Rae said they would not get the agreement of all landowners and for this reason there was no option but to go down the CPO route. All the landowners present are in favour of the project. Mr. Sheehy said he wanted to be clear that there are two issues involved (1) the CPO and (2) the landowners want an annual payment for the maintenance of the land. Through the CPO the Council will buy the land and it is not possible to provide for an annual payment in the CPO. Members should not confuse payment for the maintenance of the land with the CPO. Cllr. Healy-Rae asked that an agronomist be appointed and said in time the Council will engage the services of an agronomist and the landowner will also be given legal services. The landowner can engage an independent agronomist to act on their behalf. If there is agreement the landowner will be issued with a letter outlining the Council's agreement with the accommodation measures. An application to have the CPO confirmed will be made to Bord Pleanála. If the CPO is confirmed then the

valuation process commences. The agronomist/valuer acting on behalf of the landowner values the land and agrees a valuation with the Council. The legal costs will be paid by the Council and this includes rectifying deeds if necessary. In December the Chief Executive agreed that further negotiations would take place with the outstanding landowners. This was done but agreement could not be reached with all landowners. It was the intention that the CPO would be submitted to An Bord Pleanála by the end of June. Public consultation would then take place until the end of September. An Bord Pleanála may decide to hold an Oral Hearing in which case it would be hoped to have a decision by December. It is difficult to meet all these deadlines and to have one year to construct the greenway including the reconstruction of the viaduct. It is not practical to grant the extension requested by Cllr. Healy-Rae and still meet these deadlines. There is no point in delaying the project further as it will still have to go through the CPO process.

Cllr. J. Healy-Rae said some landowners have asked for a good will payment. He asked if this project is open to the same procedure as the N86 as he was concerned the Council would lose the goodwill of landowners. He asked if the greenway could be open to a challenge in the Court.

In response Mr. Sheehy said the valuation will include all standard issues i.e. loss of Single Farm Payment, Disadvantaged Payment, severance and will include an element of good will. Any process is open to legal challenge.

Cllr. J. Healy-Rae again asked that the CPO would be delayed by one month in the hope of getting the agreement of all landowners. He asked that a further meeting would be held with all landowners in the next two weeks.

Cllr. T. Ferris asked if the project would be jeopardised if it is delayed by a month.

Mr. Sheehy said it will shorten the timeframe and it is accepted all landowners will not agree to sell their land for the greenway.

Cllr. Ferris asked if the CPO process could be initiated while negotiating with the landowners in the next few weeks.

The Chief Executive said she gave that commitment in December and a similar proposal was now being made. This project needs to be progressed and the position will not change by March.

Mr. G. O'Brien said a vote would be taken on Cllr. J. Healy-Rae's proposal as follows which was seconded by Cllr. Moriarty.

*"That Kerry County Council and all state agencies continue to actively engage in discussions with all of the effected landowners along the proposed Glenbeigh to Renard Greenway and that an agronomist and legal services be afforded said landowners and that any threat of CPO be totally removed to best facilitate negotiations and ensure goodwill for a period of one month."*



The vote resulted as follows:

**For:** Cllrs. Flynn, D. Healy-Rae, J. Healy-Rae, Locke, D. McCarthy, McEllistram, Moriarty, Quigg **(8)**

**Against:** Cllrs. Beasley, Cahill, Connor-Scarteen, Cronin, Culloty, Daly, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Grady, Kelleher, Kennelly, P. McCarthy, Moloney, Nolan, O'Brien, O'Connell, O'Shea, Sheahan, Spring, Thornton, Brassil **(24)**

**Not Voting:** None **(0)**

The Cathaoirleach declared the proposal DEFEATED.

### **15.02.16.15 Notices of Motion**

#### **1. Prohibition of dogs in public graveyards**

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

That the Council would introduce a By-Law precluding people from bringing dogs, with the exception of Guide Dogs, into all Council managed public graveyards.

**The following reply issued:**

**The majority of our graveyards presently have signs erected "No Dogs allowed".**

**If there are particular problems in any graveyard please bring them to our attention and we will address the matters.**

Cllr. M. Gleeson said the previous Saturday he was in Aghadoe Graveyard for the funeral of a dear friend. It was some compensation in the midst of sadness to note how wonderfully well kept the graveyard is by the Council and a superb local committee.

That is how all graveyards should be and that is how the surrounds of every grave should be. But sadly far too often such is not the case as graves and their surrounds are despoiled by dog excrement. How disgusting and upsetting to visit a grave of a loved one and find that it has been desecrated. How sad that some people have so little respect for the dead and for their distressed relatives that they allow their dogs to desecrate. Cllr. Gleeson PROPOSED that a Bye-Law would be implemented to address this problem.

Cllr. B. Cronin SECONDED this proposal and said he was aware of a family who visited the grave of a recently deceased family member and dogs were roaming around the graveyard. He asked what action can be taken if dogs are unattended in this way.

Mr. J. Breen said dogs can be picked up by the Dog Warden if they are unaccompanied. If the dog owner is present they can be asked to pick up the dog foul.

## **2. Call for a meeting with the Energy Regulator**

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

Due to the continuous dissatisfaction in the process of the proposed Shannon LNG Project in Ballylongford/Tarbert, that this Council calls for a meeting with the Energy Regulator to clarify EU funding for a pipe line/interconnector that his office no longer deems appropriate.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. J. Finucane said a delegation from Kerry County Council would meet with Minister Whyte the following Thursday to discuss the Shannon LNG project. Shannon LNG and Bord Gáis made submissions for EU funding and Bord Gáis were successful and will receive funding to provide a second pipeline in Scotland. He thought it was wrong that a semi state company would invest in infrastructure outside of the State while the Energy Regulator said the doubling up of the pipeline in Scotland was not necessary. In conclusion Cllr. Finucane moved the motion.

Cllr. J. Moloney SECONDED the motion.

The Cathaoirleach informed the meeting Cllr. Finucane had to leave to attend another meeting and he would allow him to move Notice of Motion No. 25.

## **25. Possibility of individual or companies investing in a bond specifically for job creation**

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

That Kerry County Council examines the feasibility of establishing a Kerry County Council Development Bond which would allow individuals or companies to invest in a bond specifically for job creation.

**The following reply issued:**

**Kerry County Council will investigate options in this regard. Discussions have taken place with Crowd Funding initiatives such as Linked Finance([www.linkedfinance.com](http://www.linkedfinance.com)) through the Local Enterprise Office where a Kerry based investor can invest in a Kerry based business using existing online facilities and technologies. This is based on loan provision and bypasses any legal or financial regulatory requirement by the County Council.**

**There are a number of other funds supported by the Local Enterprise Office including the Microfinance Loan Scheme which has been promoted in 2014 and 2015 with over 17 loan applications processed.**

**The Local Enterprise Office will also deliver a specific seminar/workshop on "Alternative Sources of Finance" for businesses in 2015 highlighting alternative funds.**

Cllr. J. Finucane said this initiative would allow an individual or a company to invest with the local authority in job creation. They would get a return on their investment over a 15 year period. Cllr. Finucane said he believed there are companies out there who would like to invest in infrastructure projects that would benefit their business.

Cllr. N. Kelleher **SECONDED** the motion and said he also believed there are companies that would be willing to put up capital for this purpose.

### **3. Problem with Garda Vetting**

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

That we ask the Minister for Justice about the serious problem we have regarding Garda vetting. There are instances where one person has been Garda vetted 3 or 4 times in the one year for different organisations. This should be done by way of something similar to a driving licence, as it is the same Garda vetting just for different things for e.g. schools ,GAA, Church etc crèches etc. This is costing jobs and is also creating big delays in filling posts.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. J. Healy-Rae said he was approached by a crèche on this issue as the present system of Garda vetting does not make sense. A person could be Garda vetted a number of times if they are involved with under age teams or if they apply for a job in a crèche. Garda vetting should be valid for 12 months. There is a post in a crèche that cannot be filled until the successful applicant is Garda vetted yet this person was Garda vetted three times already. He asked that his motion would be referred to the Minister for Justice and that he would be asked to streamline Garda vetting which should be like a driving licence and would be valid for 12 months.

Cllr. T. O'Brien **SECONDED** the motion and said the present system needs to be reviewed urgently.

### **4. Funding for the roll out of Breast Check Screening Programmes for women aged 65 – 69 years**

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

This Local Authority calls on the Minister for Health to put in place the necessary funding for the immediate roll out of Breast Check Screening Programmes for women aged 65-69 years of age. The 2011 Programme for Government promised the roll out of this programme by 2014. We are still waiting for same.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. N. Foley said at least 87 lives are being lost to breast cancers every year due to the delay in screening the upper age group of women. These are the lives of mothers, daughters, aunts and sisters. It is common sense to put money into a programme that has such a measurable life-saving impact. A report by the Department of Health has confirmed that extending Breast Check would cost a max. of €2.9m and a minimum cost if necessary of €1.6m. This is small money, small change when one considers the huge budget at the disposal of the Minister for Health. The International Agency for Research on Cancer says that quality screening every two years in women who are aged between 50 -69 years should reduce the risk of dying from cancer by about 35%. One life will be saved for every 500 women screened. A variety of reports recommending best practice in cancer care support making this screening available for women in this age bracket – HIQUA and the EU Advisory Committee on Cancer Prevention to name but two. The commitment for the rolling out of the Breast Check Screening Programme was part of this Government's 'Programme for Government' and one tenth of all breast cancers occur in the 65 – 60 age group. It is time for action.

Cllr. D. Grady **SECONDED** the motion.

## **5. Irish Language**

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

Fuair an Ghaeilge stádas iomlán mar Theanga Oifigiúil agus Oibre siar i 2007 ach tá maolú déanta uirthi ó shin. Níl le déanamh ag rialtas na hÉireann ach a iarraidh go foirmeálta ar Chomhairle na nAirí go gcuirfí deireadh leis an maolú sealadadh, atá i bhfeidhm le 10 mbliana.

That this Council notes that the Irish language got full official and working language status back in 2007, but there has been derogation in place since then. Therefore we call on the Irish Government to formally ask the Council of Ministers to lift this derogation that has been in place for 10 years.

### **Dúirt an tUasal Ó Briain gur ceist í seo do na Comhairleoirí.**

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Mhol an Clr. T. Ní Fhearaíosa an rún.

**Cllr. T. Ferris moved the motion.**

CUIDIGH an Clr. A. Thornton leis an rún.

**Cllr. A. Thornton SECONDED the motion.**

## **6. Concern over rural isolation**

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

That we the Members of Kerry County Council recognise and raise concern with the fact that many people in rural areas remain trapped in their homes and totally isolated as they still have no way open to them to travel to their local pubs to have a couple of drinks.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. D. Healy-Rae said many people in rural areas are very isolated. They cannot get out of home for a few drinks and in the past he suggested they could be issued with a permit which would be similar to that given to hold guns and rifles. Once a person is thoroughly vetted and found fit they could be granted a permit as they would only be travelling local roads. This proposal was rebutted but he was very concerned for these people. One man he knows lives in a long laneway. If a car comes in his laneway he goes to an outhouse until he sees who is there. If he knows the person he comes out to them but if he does not know them he will not make himself known to them. This man no longer meets people and he is afraid. As a result of this isolation our culture, music and song is being lost. In conclusion Cllr. Healy-Rae called on all members to support his motion.

Cllr. J. Healy-Rae **SECONDED** the motion. He grew up in a bar and he learned more from the people who came into the bar than he did at school. He did not support people getting drunk and driving home. Minister Shatter dismissed the previous proposal as nonsense but there is a lack of understanding for people living in isolated rural areas. These people are being neglected and this isolation is the cause of suicide in some instances.

Cllr. D. Grady disagreed with the motion but said he understood people need to mix socially. The biggest problem in rural Ireland is the lack of Gardaí and it would not be possible to have one law in Kerry and another in Dublin.

The Cathaoirleach suggested the following addition to the motion 'to deal with isolation'.

This was agreed.

## **7. Works to the Abbeydorney/Ballinclogher Road**

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

What plans do Kerry County Council have to carry out works on the Abbeydorney/Ballinclogher Road at Ballyhenry in view of the dangerous condition of the road at this location.

**The following reply issued:**

**This road is the R556 regional road from Tralee to Ballyduff. The section of road from Ballinclogher Cross to Abbeydorney is built on a bog rampart, which has a number of undulations. Minor repair works have been carried out over the past number of years, most recently in 2014 to the worst sections of this road. A full road reconstruction is required to adequately address the poor riding quality of this road.**

**A 2.5km section of this road north of Ballinclogher Cross was improved in 2009 under a Specific Improvement Grant, at a cost of approximately €3**

**million. Similar grant funding is required to address this section of road, to the south of Ballinclogher Cross.**

**There is no Specific Improvement Grant funding available to Kerry County Council for this work, as this scheme was suspended in 2014. Only a limited amount of funding was provided in 2014 and 2015 to complete outstanding projects, where construction works were on-going.**

**This project will require a specific funding mechanism, from the Department of Transport, Tourism and Sport.**

Cllr. A. Thornton said she raised this issue at a recent meeting of the Listowel Municipal District and it needs urgent attention. While there is no Specific Improvement Grant funding available she urged the Director to seek whatever funding is possible to improve this road.

Cllr. R. Beasley supported the motion and said almost €0.5m was already spent improving this road and it would cost a further €3m to complete improvements to the road. There is a lot of concern for motorists using this road daily and the sections of the road not improved are starting to unravel. This is a very important motion for the people of North Kerry.

The Cathaoirleach informed the meeting that Cllr. Thornton would then move Notice of Motion No. 28.

**28. Map of county with site locations of Wind Turbine Development etc.**

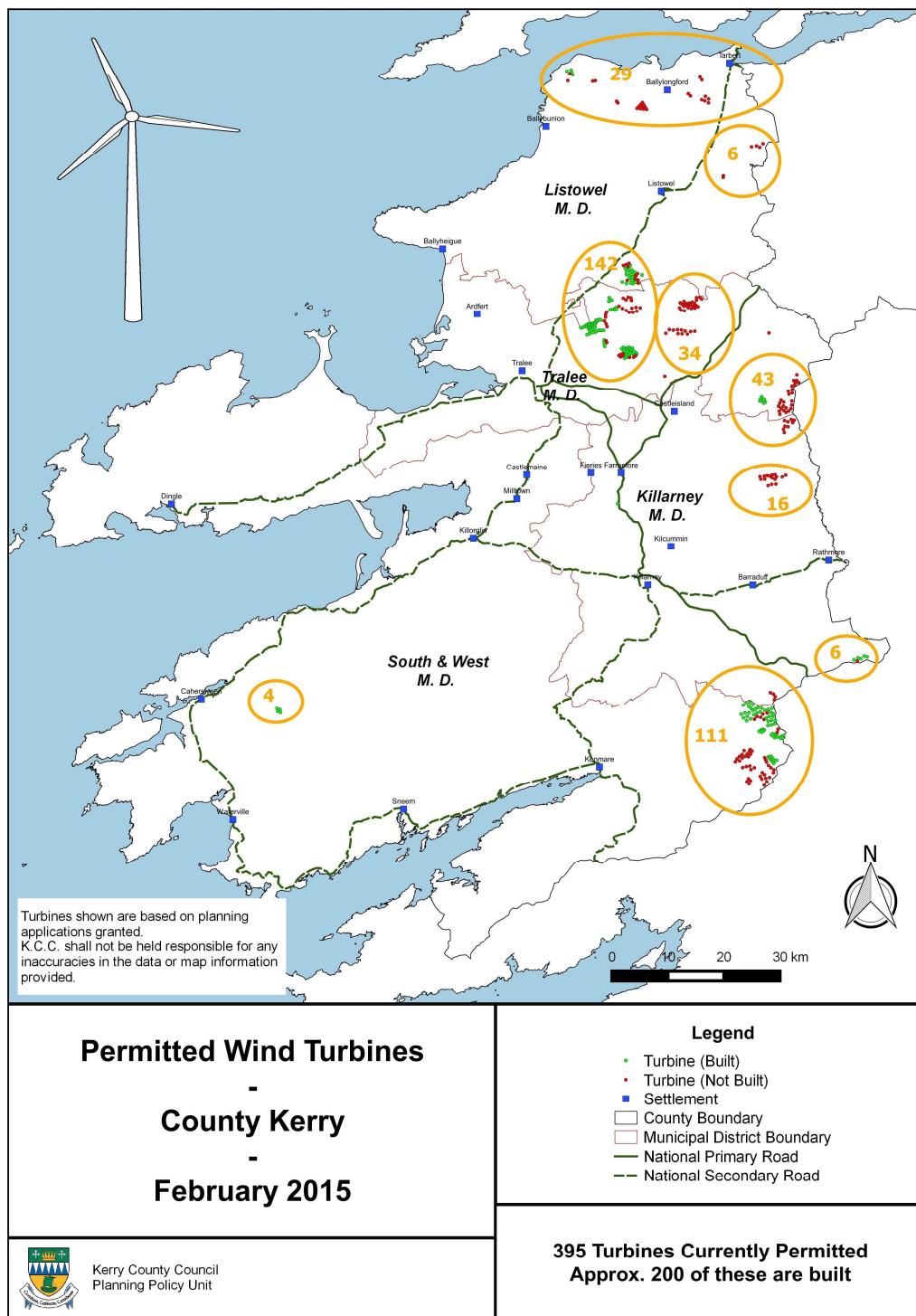
**Pursuant to notice duly given Cllr. A. Thornton PROPOSED:**

That Kerry County Council provide a comprehensive map of the County of Kerry outlining: 1. All site locations of Wind Turbine Development in the county where Planning Permission has been granted 2. Along with confirmation of the number of turbines for which Planning Permission has been granted at each of those locations.

**The following reply issued:**

**The attached map indicates the locations of the permitted wind turbines in the County and the number permitted at each location.**

**In total there are 395 turbines permitted to date in the County with approximately 200 erected at the present time.”**



Cllr. Thornton welcomed the report and map.

The Cathaoirleach said Notice of Motion Nos. 8 and 26 would be taken together.

**8. Number of qualified housing applicants**

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

That Kerry County Council confirm the number of qualified housing applicants in the County and give a detailed breakdown of the number of single men, single women, couples, single mothers and larger families on the housing list and will the Council inform the members of the number of housing offers that were declined during the past 5 years and the reasons for the applicants refusing these houses.

**The following reply issued:**

**The number of qualified housing applicants and the breakdown of same is as follows:**

<b>Total Number of Qualified Housing Applicants</b>	<b>4,915</b>
<b>Single Females (no children)</b>	<b>891</b>
<b>Single Males (no children)</b>	<b>1,503</b>
<b>Couples (2 adults, no children)</b>	<b>408</b>
<b>Single Females with children</b>	<b>836</b>
<b>Larger Families (2 adults or more and greater than 3 children/applicants with 6 or greater in the household)</b>	<b>134</b>

**The balance of the 4,915 applicants relate to different household compositions.**

**The number of offers of housing declined in the last 5 years total 285. A total of 1,252 offers of accommodation of local authority housing were made by the Council in this period. The reasons for refusal vary and include the house not being in the applicants area of choice, house not been deemed by the applicant suitable to their needs, the location of the house or the applicant is already in suitable accommodation. Applicants are required to specify reasons for refusal to the Council. In accordance with the Social Housing Allocation Regulations 2011, the Council is required to set out in our allocation Scheme a policy in relation to refusals by qualified households of reasonable offers of dwelling allocations. In accordance with current Council Scheme of Letting Priorities where 2 refusals of reasonable accommodation are made by the applicant, the application stands deferred for a 12 month period.**



Cllr. M. Cahill said there are almost 5,000 applicants on the housing waiting list and it is time the building programme recommenced in Killorglin as well as other parts of the county. It is staggering to note that 25% of housing applicants offered a house in the past five years refused it.

**26. Number of applicants on the waiting list etc.**

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

To request a breakdown, by Municipal Area of (a) the number of applicants currently on Kerry County Council housing waiting list, (b) the number of houses currently available to Kerry County Council to house applicants, (c) the projected number of housing units that will be available for tenants by the end of 2015.

**The following reply issued:**

**Of the total 4,915 qualified housing applicants, a combined total of 6,446 areas of choice have been selected. The following is a breakdown by Municipal District Area of the Qualified Housing Applicants by Area of Choice :**

**Killarney MD - 1972  
Listowel MD - 588  
South and West MD - 1224  
Tralee MD - 2662**

**In accordance with the Social Housing Assessment Regulations 2011 a household may select up to 3 areas of choice with each selection carrying equal weighting. The total number of 6,446 areas of choice listed above exceeds the number of qualified housing applicants as an applicant may be qualified for housing in more than 1 Municipal Area.**

**The total number of vacant Council properties available for letting by Municipal Area is as follows:**

**Killarney MD - 5  
Listowel MD - 8  
South and West MD - 5  
Tralee MD - 3**

**In addition there are a total of 64 properties under repair across the 4 Municipal Districts.**

**In terms of the projected number of housing units that will become available in 2015, the Council is currently preparing a Housing Construction/Acquisition Programme based on identified housing needs in the county and we are meeting the DOECLG shortly in relation to this programme. It is our intention to bring back the Programme for 2015 to the Members in due course. In addition to this Programme, casual vacancies will arise in the Council stock throughout the year, applicants will also be**

**accommodated through other social housing options including RAS and Leasing.**

Cllr. B. Cronin said there are 1,972 housing applicants in the Killarney Municipal District and just 5 properties in the area available for letting. Applicants feel they will never get a house and he asked if efforts are being made to address the housing crisis. He asked that the 64 additional vacant properties would be made available for re-letting as soon as possible and how many of these are in the Killarney Municipal District.

Cllr. J.F. Flynn said the largest number of qualified housing applicants is in the South & West Kerry Municipal District. He said it is very frustrating that houses are vacant so long before they are re-let.

Cllr. T. Ferris said the Council does not have the housing stock to meet demand. Progress on RAS and the Long Term Leasing Scheme is very slow and she called on the Chief Executive to review the staffing requirements in this area. Housing is at crisis point and she was concerned for those who were not in receipt of rent allowance.

**Kerryman of the Year**

Cllr. M. Cahill congratulated Mr. Danny Tim O'Sullivan who was named Kerryman of the Year and said in the past Kerry County Council honoured him with a Civic Reception. Mr. O'Sullivan employs up to 2,000 people in London and his generosity knows no bounds. He is renowned for helping the sick and the old.

**9. Construction of a new Pedestrian Crossing in Furies**

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

What progress has been made on the commitment given by Council to a deputation of parents from Furies National School at a Killarney Area Meeting last year to examine their request for the construction of a new Pedestrian Crossing in particular for children's safety attending the local school and can Kerry County Council's Roads Department assist with a proposed traffic management plan to alleviate traffic congestion at school times at Furies School.

**The following reply issued:**

**There is an uncontrolled pedestrian crossing on the Regional Road R561, within 100m of the junction with the local road serving Furies School.**

**The Council carried out a pedestrian, vehicle and speed survey assessment on the Regional Road on Friday, 7th November 2014, between 8.30am and 9.30am, in accordance with the prescribed Guidelines "Pedestrian Crossing Specification and Guidance 2011, from the National Roads Authority", close to this junction.**

**The results of the survey indicated that the volumes of pedestrian and vehicular traffic were approximately 50% of lower than the minimum requirement necessary to warrant a controlled pedestrian crossing at this location.**

**The speed survey carried out 50m east of the existing uncontrolled crossing, at this time, showed that 43% of vehicles violated the speed limits of 50 kph, with the average vehicle speed being 48 kph and the 85 percentile speed of traffic being 59 kph. We will forward these results to An Garda Síochána, who are the statutory body for enforcing speed limits on the public road network, in accordance with the provisions of the Road Traffic Acts.**

**This in itself does not justify the requirements for additional traffic control measures. However the location may benefit from additional signage to increase the awareness of the existing crossing and the junction for school traffic. The area engineer can advise on the cost of additional appropriate signage to the members, if they wish to consider funding these measures from the Councillor Specific Municipal District Operations fund.**

**In relation to the traffic congestion at the school during school times, the only effective solution is to widen the road, within 50m of the junction, to increase parking provisions for school related traffic together with a footpath. However this will require the provision of a small area of land from the school board. Kerry County Council will liaise with the school regarding the provision of land for this footpath and parking area and if the lands can be made available will advise members of the cost of the works.**

Cllr. B. Cronin said a deputation from Firies National School attended an Electoral Area Meeting in the past on the issue of the speed of traffic going through Firies. There are 250 children in the school and a further extension has been sanctioned. There are huge concerns in relation to child safety in the village and he welcomed the traffic survey carried out last November. The big issue is the speed at which traffic from the Farranfore side travels through the village. The deputation was promised enhanced signage but it was not provided. He understood the results of the traffic survey show that this location is 50% lower than the minimum requirement necessary to warrant a controlled pedestrian crossing. Cllr. Cronin asked that the existing pedestrian crossing would be relocated to the entrance of Firies Close and Mountain Range. There is now a proposal for a one way system but the school will need assistance from the Council as they want to eliminate triple parking. He called on the Council to assist the school in implementing this proposal. Cllr. Cronin said there is also a requirement for enhanced signage at this location.

Cllr. J. Sheahan **SECONDED** the motion.

## **10 Study of what is required to make towns disability friendly**

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

That this Council carry out a study to examine what is required to be done on the streets of our major towns in Kerry to make them disability friendly towns and fully compliant EU disability access towns. The study should seek submissions from the public.

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

**Access Audits were carried out on all facilities owned and operated by the Council in 2006 and 2007, which detailed remedial actions necessary to make identified areas and buildings accessible for all our customers and citizens. This was a very comprehensive study and involved public consultation. The value of the works identified totalled €13.5m, of which €4.7m was identified for improvements to existing footpaths. Substantial works were carried out by the Council on many of these facilities to improve accessibility for all.**

**It is our policy that any funding for footpath improvements is primarily directed at re-dressing those sections of footpaths identified for repair and improvement in the Access for All Implementation Plan 2008 – 2015. This will continue to be the case for future investment in footpath improvements.**

**Accessibility to most of our other facilities have been improved over the past 8 years and where new facilities are being provided, the works are in compliance with current Building Regulations.**

**The Council does not have sufficient resources to carry out a further study nor is it considered necessary, having regard to the information already available and the demands on our existing resources.**

Cllr. P. McCarthy asked how much of the actioned work is complete and how much further work is required to be done to ensure compliance with EU requirements. He asked if anything could be done to prevent motorists from parking on footpaths which results in a person in a wheelchair having to come off the footpath to pass the car.

Cllr. M. Gleeson then moved Notice of Motion No. 24 as it was similar.

## **24. Programme of lateral dishing of footpaths for Mopeds**

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

As there is a growing number of older people and of people with varying degrees of disability travelling by Mopeds, that the Council would undertake a programme of lateral dishing of footpaths in order to ensure ease of movement from one footpath to the next. That this new reality would be taken into consideration when footpaths are being constructed.

**The following reply issued:**

**Access Audits were carried out on all facilities owned and operated by the Council in 2006 and 2007, which detailed remedial actions necessary to make identified areas and buildings accessible for all our customers and citizens. This was a very comprehensive study and involved public consultation. The value of the works identified totalled €13.5m, of which €4.7m was identified for improvements to existing footpaths. Substantial works were carried out by the Council on many of these facilities to improve accessibility for all.**

**In 2007, it was estimated that approximately €600,000 per annum would be spent on improving footpaths. However, due to the fiscal crisis, the level of funding available for footpath improvements reduced dramatically. The level of funding provided by Kerry County Council in 2014 for the repair and improvement of footpaths was €350,000. As well as dishing of footpaths, some of this funding is expended on improving the surface, particularly where there are potential trip hazards on heavily trafficked areas. The former Town Council also provided funding from its general development contribution schemes towards these works.**

**It is our policy that any funding for footpath improvements is primarily directed at re-dressing those sections of footpaths identified for repair and improvement in the Access for All Implementation Plan 2008 – 2015. This will continue to be the case for future investment in footpath improvements.**

Cllr. M. Gleeson supported Cllr. McCarthy's motion and said Killarney Town signed up to the Barcelona Declaration which aims to have the town to a suitable standard for people with a disability. Modern technology continues to advance and make life more tolerable, especially for those with a disability. For too long people with severe arthritis, multiple sclerosis and Parkinson's become progressively more restricted in what they could do and where they could go. Happily the advent of mopeds has made travel and social interaction very possible. Prior to the local election a man acquired a moped and Cllr. Gleeson asked the town engineer to dish the end of the footpaths in Ballyspillane. As a result that person can travel uninterrupted from one end of the estate to the other. He asked that priority would be given to dishing footpaths in all estates and when new footpaths are being constructed that this would automatically be done.

Cllr. D. Grady **SECONDED** Cllr. Gleeson's motion and said every month or six weeks the members of Killarney Town Council met and reviewed the problems that still existed in the town for people with a disability. He asked that similar meetings would be arranged for the members for the Killarney Municipal District with the engineer.

Mr. C. O'Sullivan said each of the four former local authorities signed up to the Barcelona Declaration in 2006 and a lot of work was done since then in consultation with disability groups. A lot of work was also undertaken on Council

buildings to make them disability friendly. He did not have the value of work completed to-date to hand. A substantial amount of work was done on footpaths and it is now a matter of prioritising funding for this work. The Schedule of Municipal District Works will be considered by each of the Municipal Districts in the coming weeks and if members have a particular location that requires attention that can be considered at that time.

Cllr. P. McCarthy again asked if anything can be done to stop parking on footpaths and could the Council work with the Gardaí to eliminate it.

Mr. C. O'Sullivan said it is an offence under the Roads Act to park on a footpath. The Traffic Warden and the Gardaí can act on this if it is detected. Mr. O'Sullivan undertook to raise this issue with the Gardaí at the Joint Policing Committee.

#### **11. Support for the “Staying Alive at 1.5m” Campaign**

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

As cycling continues to grow in popularity in this County, that this Council support the “Staying Alive at 1.5m’ Campaign, which promotes safe driving for Motorists overtaking cyclists.

##### **Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. J.J. Culloty said with the popularity of cycling in Kerry over the last number of years we are seeing lots more cyclists using the roads, and with the longer evening we will see the numbers increasing over the next few months as they train for events like the Ring of Kerry Charity Cycle. As we all know, cyclists are amongst the most vulnerable of road users and it is critical that the Council take cyclists safety seriously.

Stayin' Alive at 1.5 is a campaign started by Phil Skelton from County Wexford to help promote a mandatory safe overtaking distance of cyclists of 1.5m. Currently 22 US states, 1 Canadian Province, France, Spain, Portugal and Germany etc. have a defined safe overtaking space written into their laws. This offers invaluable, lifesaving protection to cyclists.

Cllr. Culloty called on the Council to request the Road Safety Authority and the Department of Transport to change road traffic legislation to require motorists to give a safe overtaking gap of 1.5m between the vehicle and a cyclist. He also called on the Council to support the promotion of a safe 1.5 meter overtaking distance by displaying the “Stayin' Alive at 1.5 share the road” message on Council vehicles as undertaken by Wexford County Council, and to also erect signage around the county promoting same. For low cost this would be of huge benefit for the safety of cyclists.

Cllr. J. Sheahan SECONDED the motion.

## **12. Roads to be more cyclists friendly**

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

That Kerry County Council ensure that our main roads are more cyclist friendly in view of the number of people who have taken up cycling and the upcoming Ring of Kerry Cycle and that appropriate signage be erected.

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

**In recent years, the Council has developed a number of off-road cycle tracks, such as the Killarney to Fossa amenity route, the Rock Street to Mounthawk section of the disused railway line in Tralee, and the River Lee cycle track in Tralee.**

**As part of the construction of the Tralee and Castleisland By-Passes, a dedicated cycle track was provided for the safety of cyclists and other vulnerable road users.**

**Further major capital works are in the planning process for the development of other off-road cycle tracks such as the Glenbeigh to Caherciveen route and from the ITT in Tralee to Blennerville, including an extension to the Tralee – Fenit trail.**

**There are also plans to construct dedicated cycle tracks as part of the improvement works to the N86 Camp to Dingle road. This is in accordance with national policy on the provision of cycle tracks as part of any major road improvement scheme.**

**Whilst the Council is strongly supportive of the objectives set out in various Government policies, on enhancing and promoting cycling facilities, unfortunately the majority of the national and regional roads in the county do not have sufficient width to accommodate cycle lanes. The national standards strongly recommend that any new facilities for cyclists on roads where the speed limit is greater than 60kph, should provide for the separation of cyclists from vehicular traffic. Signage may only be provided where the cycle facilities are in accordance with national standards.**

**There is no funding available to Kerry County Council at present to provided cycle lanes along existing regional and local roads.**

Cllr. D. Grady said cycle lanes are not kept clear in the winter and there are leaves and dog foul on them. He asked if he could allocate €1,000 from his Councillors Allocation to purchase car and lorry stickers for use in the Killarney Municipal District.

Cllr. J. Sheahan supported the motion and said as a motorists he would like to see cyclists using lights and high vis jackets. He had no difficulty giving them space once they are visible. Cllr. Sheahan pointed out that cyclists have responsibilities too.

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

### **13. Status of water supplies in Kerry**

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

That Kerry County Council would contact Irish Water immediately to clarify reports that County Kerry has the highest number of water supplies on the "AT RISK " list for the inadequate treatment of contaminants in our water supply and if so what measures will Irish Water take to rectify this serious issue.

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

**This is a matter for resolution by the members but the following gives a summary of the issues.**

**The figures released by the EPA in their *Drinking Water Report 2013* show that the overall quality of drinking water in Co. Kerry has improved over the last number of years.**

**The following table summarises the compliance of Kerry's public drinking water supplies with the microbiological and chemical parameters as set out in the Drinking Water Regulations.**

<b>Year</b>	<b>Microbiological Compliance</b>	<b>Chemical Compliance</b>
<b>2010</b>	<b>99.7%</b>	<b>97.0%</b>
<b>2011</b>	<b>99.9%</b>	<b>96.9%</b>
<b>2012</b>	<b>99.7%</b>	<b>97.3%</b>
<b>2013</b>	<b>100.0%</b>	<b>98.5% .</b>

**The EPA report states, "*the most important health indicators of drinking water quality in Ireland are the microbiological parameters and in particular, E-Coli*". There was no *E-Coli* exceedence in any supply in 2013 in Public Water Supplies, compared to two in 2012. This is the first year since monitoring began that there has been no occurrence of *E-coli* at any level.**

**The Remedial Action List (RAL), first prepared by the EPA in January 2008, is a dynamic list of public water supplies which have issues relating to water treatment and that are in need of remedial action. Kerry had the highest number of schemes put on RAL in the country because of the large number of small supplies in the County and because costed proposals had already been prepared for remedial works by the Water Services Section. As a result, Kerry was in a position to take up over half of the initial €20 million RAL funding and this has resulted in an unprecedented improvement in water treatment in Kerry.**



**The EPA Drinking Water Report 2013 listed a total of 35 Water Supply Zones (WSZ) on RAL in Kerry. This total had reduced to 30 WSZ by January 2015 and the following is their current status:**

- **Most of the Kerry RAL schemes relate to our smaller water schemes and it is planned that all but two of these will be off RAL by mid year and the other two by end 2015.**
- **The Central Regional Scheme is scheduled for upgrade in Irish Water's Capital Investment Programme 2014-2016 and a full new treatment plant will be advertised for tender by IW in the coming weeks.**
- **Proposals for dealing with problems with the Dromin supply are currently being discussed with IW.**
- **A new water treatment plant for the Kenmare Water Scheme is included in Irish Water's Capital Investment Programme 2014-2016.**

**In total, 63 Water Supply Zones in Kerry have been placed on RAL by the EPA since 2008, of which 33 have been successfully removed to date, including seven out of a national total of 11 Water Supply Zones in 2014.**

#### **14. Call for a review of the Litter Act 1997**

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

That Kerry County Council request the Minister for the Environment to conduct a review of the Litter Act 1997 to help combat littering, illegal dumping and fly tipping across the country.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. J. Moloney said roadside littering is bad especially at this time of year. This is not due to lack of activity by the Council or community groups but it is down to the restrictive nature of the Litter Act. This does not present a good impression of the county on the Wild Atlantic Way. Three towns won Gold Medals in the Tidy Towns Awards in 2014 but litter hinders progress for Tidy Towns Committees. If the person responsible for illegal dumping pays the fine they will not be prosecuted and therefore will not be named. The only way to tackle this problem is if those responsible are named and shamed. More powers should also be given to Litter Wardens.

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

**15. Support for Tralee International Children's Games**

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

I am calling on Kerry County Council to support Tralee International Childrens' Games with funding as they are trying to secure a bid to hold the games in Kerry in 2020.

**The following reply issued:**

**The Draft 2015 Community Support Fund Guidelines were considered at a recent Tourism Arts, Culture and Recreation SPC meeting and are listed for adoption on todays Council agenda. Contributions of this nature can be considered as part of this Community Support Fund for 2015.**

Cllr. T. McEllistrim thanked Kerry County Council for their contribution of €2,000 to the administrative and operational costs of Tralee International Children's Games in 2014. This significantly impacted on their capacity to make the necessary preparations to facilitate the participation of 18 young Kerry athletes at last years International Children's Games and Cultural Festival, which was held in Lake Macquarie, near Sydney.

Lake Macquarie is Australia's sixth largest city, and this was the first time the Games were hosted in the southern hemisphere and they were very proud to attend as Kerry's and Ireland's representatives at the Games for the 10<sup>th</sup> consecutive year since 2005. Once again it was a spectacular occasion and experience for all the children of the 85 cities that participated, and the Irish community abroad were very supportive of the teams at the various events organised at the Games.

Tralee International Children's Games continue to participate because their efforts to bring the Games to Kerry and Ireland remain very much alive and on their agenda. They are convinced that it can be done and remain committed to it, with 2020 as their long term goal. They have the support of the International Children's Games Committee, who would love to see the Games hosted in Ireland and their Feasibility Study showed that the necessary accommodation and sports facilities are available in Kerry to enable the Games to be hosted here.

They have accepted the invitation to attend this year's summer Games to be held in Alkmaar, near Amsterdam, from June 24<sup>th</sup> -29<sup>th</sup> and Kerry will be represented by 18 athletes in Judo , Track and Field and Soccer.

Cllr. McEllistrim requested that the Council's contribution to their administrative and operational costs be continued in 2015. Their young athletes take great pride abroad in their role as "ambassadors" for Kerry and Ireland and their participation helps keep the pathway open to securing the Games for Kerry in the future. In conclusion Cllr. McEllistrim requested that €2,000 would be given to the International Children's Games from the Community Support Fund in 2015.

The Cathaoirleach **SECONDED** the motion.

Cllr. J.F. Flynn moved Notice of Motion No. 16 on behalf of Cllr. P. Connor-Scarteen.

**16. Creation of jobs in Kerry under the Action Plan for Jobs 2015**

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

That Kerry County Council call upon the Department of Enterprise, Jobs & Innovation to outline what they are doing to create jobs in Kerry under the Action Plan for Jobs 2015, and what can Kerry County Council do to assist under the new structures in place.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

**17. Prioritising of the McGillicuddy Reeks Forum for funding in 2015**

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

That Kerry County Council prioritise the McGillicuddy Reeks Forum for funding from its 2015 Budget to carry out essential maintenance works on the paths on Carrantouhill.

**The following reply issued:**

**Kerry County Council is represented on the McGillicuddy Reeks Forum and is aware of on-going examination of the issues concerning access to the Reeks and in particular works that may be require to combat erosion of the pathways. It is understood that consultants will be appointed shortly to provide an expert report on both short and longterm action that are require and the likely cost of same. When this report is available the Council will consider how it can assist in ensuring that the nesessary works are carried out and having regard to the contribution of other stakeholders to the required works.**

Cllr. J. Sheahan welcomed the reply and asked for a timescale for when the funding would be available. He represents Kerry County Council on the McGillicuddy Reeks Forum and it is very interesting.

Cllr. J.J. Culloty SECONDED the motion and said it is important that this work is done.

**18. Repair of damage to roads by lorries extracting timber**

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

To ask Kerry County Council to implement a policy regarding State Forestry Companies and Multi-National Investor Forestry Companies where by roads that are damaged from the weight of lorries from the extracting of timber be put back to the same standard. Every time we ring an area engineer we are told that there isn't any money for repairs for this kind of damage.

**The following reply issued:**

**Forestry companies who transport extracted timber must comply with the Road Traffic (Construction & use of Vehicles) Regulations, 2003. Maximum legal weights are determined by a number of factors, including spacing between the axles, the outer axle and bogie spread, the number of tyres on each axle, and the type of suspension fitted.**

**It is an offence to carry a load on a vehicle which would cause the manufacturer's design weights or the limits specified in our national legislation (i.e. the plated weights) to be exceeded. The Gardaí enforce this legislation. Kerry County Roads enforcement officer liaises with the Gardaí where we suspect where vehicles are overloaded.**

**Kerry County Council cannot impose other restrictions on forestry companies regarding the transport of timber on public roads.**

Cllr. D. McCarthy said when he approached the Area Engineer to have these roads repaired he was informed funding is not available. These roads were built for a donkey and cart or a car but not for these huge lorries.

Cllr. N. Kelleher **SECONDED** the motion and said a number of forestry road are in a dreadful condition and are causing severe damage to cars. This must be addressed as companies are benefitting financial from the forestry.

**19. Opposition to the privatisation by Bus Éireann of any routes**

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

That Kerry County Council opposes the privatisation by Bus Éireann of any of their routes into this peripheral County as it is a vital public service.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. D. Nolan said the privatisation of some of Bus Éireann's routes is being muted. In Kerry there is a lack of public infrastructure and she was opposed to any privatisation of any routes.

Cllr. T. Ferris **SECONDED** the motion.

Cllr. J. Moloney moved Notice of Motion No. 20 on behalf of Cllr. M. O'Shea.

**20. Call for the removal of input by An Taisce from the planning process**

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

That Kerry County Council asks the Minister to remove the input of An Taisce from the planning process for the reconstruction and development of national routes of strategic importance to our national and local economy and that national routes of such importance should be outside the planning process and dealt with by the Department of the Environment as major projects.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

**21. Call on Minister for Social Protection to address issues concerning child care immediately**

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

That this Council write to the Minister for Social Protection, Ms. Joan Burton, T.D, asking her to address the serious issues concerning child care immediately.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. D. Quigg said if the problem of childcare was addressed it would allow women and men to return to work.

Cllr. R. Beasley SECONDED this motion.

**22. Traffic Plan for Killorglin Town**

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

That Kerry County Council come up with some traffic plan for Killorglin Town.

**The following reply issued:**

**A number of initiatives have been implemented in Killorglin since 2003, to improve traffic flow in the town, including the introduction of a one way traffic flow system, provision of additional parking facilities, junction and footpath improvements and the regulation of casual trading.**

**The town is located at the junction of the N70 Ring of Kerry route and the N72 Killarney to Killorglin National Secondary route. The intersection of the two routes, immediately to the east of Laune Bridge, and which is the only river crossing, means that all traffic entering the town from the east traverses the bridge. This results in traffic congestion in the town, particularly during the busy tourist season and at the school times.**

**The problems with traffic flow in the town are solely related to the access constraints over the River Laune and this seriously hampers any other measures that could be considered to make the town more amenable to sustainable modes of transport.**

**It is acknowledged that the town would benefit from the construction of a by-pass, particularly to remove heavy goods vehicles from the town centre. A draft preliminary route options report was prepared in 2009, which identified a number of options, with costs varying from €11 m to € 15m, including a new river crossing.**

**The Council does not have sufficient resources from existing income streams to fund the cost of further developing this infrastructure and it's construction will be heavily dependant on sourcing significant funding from**

**central government. However, given the levels of funding available nationally for land transport investment in the coming years, as identified in the Department of Transport, Tourism and Sport's document "Investment in our Transport Future – A Strategic Framework for Investment in Land Transport" which was presented to Council last October, it is highly unlikely that this scheme would be prioritized for funding by the NRA or the Department of Transport, Tourism and Sport, in the immediate future.**

**It is however an objective of the Local Area Plan for Killorglin to facilitate the construction of a western inner relief road and to prohibit any development along the proposed route that would be detrimental to it's construction. The need for some funding stream to progress the design and development of the scheme will need to be considered in the drafting of a Development Contribution Scheme for such infrastructure. This would put the Council in a better position to leverage any strategic funding available from Central Government, even if to develop the route in a number of stages.**

Cllr. J.F. Flynn said the response indicated that Killorglin will not be by-passed. Killorglin is the only town where traffic gives way to traffic on the left while at Kingstons parking is blocking the view for motorists. Cllr. Flynn asked that these issues would be addressed as soon as possible.

Cllr. D. Quigg **SECONDED** the motion.

Cllr. J. Healy-Rae said he moved a similar Notice of Motion at the Municipal District Meeting. Members should be allowed submit their views on how some issues could be resolved and management could then take them on board.

**23. Call for an improvement in energy efficiency of local authority houses Pursuant to notice duly given Cllr. N. Kelleher PROPOSED:**

I call on Kerry County Council to examine ways to improve the energy efficiency of the local authority homes in Kerry and to look at measures to improve the quality of living and the cost of heating the homes of thousands of families throughout Kerry. Can you outline the number of local authority homes upgraded for energy efficiency in each of the last three years and to outline the amount of energy savings generated in Kilowatt-hour (kWh) in each of those years. What has Kerry County Council done with the credits associated with these kWh savings and if they are aware of the market value of these building energy credits; if the council is aware of the Energy Efficiency Obligation Scheme and to ask have these credits been sold by Kerry County Council and if so, to whom and for how much.

**The following reply issued:**

**Kerry County Council and the former Town Councils received funding in the last number of years from the Department of Environment Community and Local Government and the Sustainable Energy Authority of Ireland for a number of schemes towards energy efficiency improvement works in our homes. Works included cavity wall and roof insulation and window and door upgrades. Heating system upgrades were also completed on some homes. The table below sets out the details:-**

	Kerry Co Co			Tralee			Killarney			List owel		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
No. of houses upgraded	100	270	593	50	292	122	Approx 25	113		Approx 25	0	
Approximate Annual Energy Saving per house (kWh)	3,500			3,600			3,500			3,500		
Total MWh savings	350	945	2075	175	1022	392				87		
Carbon Credit	0	Note 1	Note 2	0	Note 1	€0.08 /kWh	0	Note 1			Note 1	
Value of carbon Credits						€31,377 (AB Scheme only)						

**With regard to Energy Credits associated with both the SEAI 2014 Area Based (AB) and Better Energy Communities Schemes (BEC), Kerry County Council is currently being set up on the Energy Supplier payments systems and orders are being raised by the Energy Supplier to enable payments to be made to KCC for the energy credits. The total value for Energy Credits associated with works undertaken by Kerry County Council under the AB scheme in 2014 is €31,377.60. The Energy Supplier is Electric Ireland.**

**The work carried out in 2012 was under the DOE Retrofit Void Scheme where we brought houses up to a BER of 'C' rating. There were no carbon credits for 2012.**

**Note 1: In 2013 the carbon credits were offset against the BER surveys and certification carried out by Electric Ireland. €81,000 was the value of this work carried out.**

**Note 2: In 2014 the carbon credits were offset against the BER surveys and certification carried out by electric Ireland for 715 houses. €85,800 was the value of this work carried out.**

**Note: Window and door replacement was included in the 2014 Area Based SEAI scheme in Tralee where required.**

Cllr. N. Kelleher said all members on Kerry County Council are in agreement on the need for the Council to increase the programme of works to upgrade local authority homes to make them more energy efficient, comfortable for the families that live there and to help reduce the exorbitant costs of energy that many people have just to keep their home and their family warm.

Members have all heard from families in their communities who have to make a choice to fill the tank with oil or buy a trailer load of sticks or turf and from people who are living in fear of the arrival of the next electricity bill.

For some time he has been increasingly concerned about families and individuals who live in local authority homes and who are struggling to heat their homes due

to the ever increasing cost of energy. While there has been a temporary drop in the global price of Oil, this has only had a marginal impact on those in our community who are struggling to heat their homes and their families.

The Motion asks Kerry County Council to outline the steps they are taking to improve the energy efficiency of the local authority homes under our remit.

Energy savings are measured in kWh or Kilowatt-hour savings and he would like the council to outline the savings that have been achieved through the upgrading of local authority homes in Kerry.

During the course of his research on this matter, he spoke to people who are familiar with the energy upgrading of homes, through insulation, repairing of old boilers etc and it appears that local authorities throughout Ireland are not being progressive enough.

Every other local authority in the Country takes part in the Energy Retrofit Scheme, which is an initiative that ensures Local Authority homes are maintained to a high standard and delivers on important energy efficiency measures.

The works carried out are assigned a Kilowatt-hour (kWh) savings, as set out in detail by the Sustainable Energy Authority of Ireland (SEAI). These carbon reduction savings certificates are a valuable commodity and he was very concerned that Local Authorities are disposing of them for little or no reward.

Members need to know what Kerry County Council has done with the credits associated with these Kilowatt-hour (kWh) savings and if they are aware of the market value of these building energy credits.

While researching this issue he discovered the Energy Efficiency Obligation Scheme which is operated by the Sustainable Energy Authority of Ireland (SEAI).

This Energy Efficiency Obligation Scheme creates a huge opportunity for Kerry County Council to work with the energy companies to embark on an ambitious programme of upgrading the local authority homes in Kerry, without even affecting the Budget of the Council. This may come as a surprise to some Councillors but the energy companies (the big utilities, many of whom are not even Irish companies) have huge legal requirements to help reduce carbon emissions and improve the energy efficiency.

Cllr. Kelleher said he was seriously concerned that Building Energy Credits [in the form of BER Certificates] are being bought by energy distributors and retail energy sales companies for less than the market value from the Council.

Members are aware of the published prices for these kWh savings as set by the Minister for Communications, Energy & Natural Resources in 2014.

Cllr. Kelleher then outlined how this Scheme works as follows:



Kerry County Council applies to the Department of Environment to undertake work as part of the Energy Retrofit Scheme. The Council plan to upgrade 50 homes in Killarney for example in 2015. The Council estimates that it will cost €4,000 a home, or €200,000 in total. The funding is approved by the Department and granted. In order to complete the work a Building Energy Rating (BER) Certificate is completed to show what the improvements are. This is measured Kilowatt-hour savings.

If the following work was carried out on a regular house in Killarney, the following savings would be made.

Attic Insulation **1300 kWh or Kilowatt-hour savings**

New Gas or Oil Boiler (with controls) **7700 kWh or Kilowatt-hour savings**

This would be a total of **9000 kWh or Kilowatt-hour savings**

There is a huge value to these Kilowatt-hour savings, as the published prices for these kWh savings were set by the Minister for Communications, Energy & Natural Resources in 2014.

The top of the market value for this work could see that the savings are worth 88 cent a Kilowatt-hour (kWh). That would be a whopping €7920 which is high and the energy companies are not going to pay top market rates for these certificates, but what if they only paid one quarter of that (22 cents), then this work would be worth €1980 (almost two thousand euro). That would and should pay for a large amount of homes to be insulated.

What are the actual costs to do this work? Cllr. Kelleher said he was informed that for €1500-€2000 you can buy a brand new boiler and for €2000 – €3000 you can have a fully installed boiler and have it professionally certified. To do the attic insulation in a typical house would cost approximately €250 for 50 sq.m. (540 sq.ft) and homeowners would save about 20% of their fuel bill.

The money that Kerry County Council should be getting from the Energy Companies for these certificates would go a very long way to insulating and upgrading hundreds of extra homes every year. If local authorities were ambitious enough, they could have every local authority home done in two years.

Cllr. Kelleher said he understood from Councillors on Louth County Council that they were able to do a project with over 2,000 homes in one year. That's half their entire housing stock and it was funded by the energy companies and the Sustainable Energy Authority of Ireland.

Cllr. Kelleher said members need to know what have Kerry County Council done with the credits associated with these kWh savings and to ask have these credits been sold by Kerry County Council and if so, to whom and for how much. He has written to his party colleagues Michael McGrath, Fianna Fáil spokesperson on Finance, Michael Moynihan Fianna Fáil spokesperson on Energy, and Barry Cowen Fianna Fáil spokesperson on the Environment, to ask them to raise these matters. It would be a very serious situation if councils were effectively helping

the large energy companies escape large fines by handing over these energy certificates for next to nothing.

Cllr. Kelleher said everyone needs to come up with ways that can help to improve the energy efficiency of local authority homes in Kerry and to look at measures to improve the quality of living and the cost of heating the homes of thousands of families throughout Kerry.

The Cathaoirleach **SECONDED** the motion.

Cllr. J.F. Flynn moved Notice of Motion No. 29 on behalf of Cllr. Connor-Scarteen.

**29. Assistance for groups trying to install defibrillators**

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

What can Kerry County Council do to assist groups in the County trying to install defibrillators and train people to use them in their localities.

**The following reply issued:**

**Kerry Civil Defence provides advice and training in the use of defibrillators for the community where requested. Our Civil Defence Officer is involved on behalf of the Council to advise, train and maintain the defibrillators. Our Civil Defence Unit can offer assistance to any group within the community in the purchase of defibrillators and the training to become competent in their use.**

**30. Provision of public lighting at the junction at Poulgorm Bridge**

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

That Kerry County Council ask the NRA to put in place public lighting at the junction of the Kilgarvan Road R569 with the N22 at Poulgorm Bridge as this is a very dangerous junction.

**This request has been discussed with the National Roads Authority on a number of occasions previously, following similar motions being moved by this Council. The NRA have confirmed that funding is not normally provided by the Authority for traffic route lighting on sections of national roads that are outside urban areas and where the general speed limit apply, except at grade separated junctions and roundabouts, or where traffic calming measures are considered necessary, in accordance with National Guidelines.**

**Kerry County Council would require funding from the NRA for any route lighting at this location. We will refer the motion again to the NRA for further consideration.**

Cllr. J. Healy-Rae said while this is outside his area this junction leads to two peninsulas. This is the busiest junction that serves not only South Kerry but also the Beara peninsula. In the past he asked the NRA to provide lighting or other

safety measures at this junction where there has been several accidents. A car coming from Killarney that is turning right is in danger of being hit by traffic coming from Cork when there is no lighting there. Many motorists have passed the junction by night and did not see it. While it is not in an urban area Cllr. Healy-Rae pointed out that Ballyseedy is not within an urban area yet public lighting and other measures to reduce speed were provided there. The only difference between these two locations is there is a far greater volume of traffic using the Poulgorm Junction than Ballyseedy. Cllr. Healy-Rae asked that lighting and/or additional signage would be provided at this location. A new crash barrier was provided but it was knocked within two days.

Cllr. D. Healy-Rae **SECONDED** the motion and said the new bridge was built 11ft too close to the Kilgarvan side. Traffic exiting onto the N22 is too far back. Reflective bollards are placed at junctions but there is only one at this junction and it is too far up. He asked that it would be moved to the junction and that a second one would also be provided. Cllr. Healy-Rae said when in Donegal he passed a rural area where public lighting was provided also. He asked that this issue would be reviewed as a matter of urgency.

### **31. Adaptation of a lenient policy towards the imposition of rates on small businesses**

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

To ask Kerry County Council to assist small businesses and adapt a lenient policy towards the imposition of rate charges on this sector.

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

**It is understood that rates pose a significant business expense in the current climate. The Council while making all efforts to optimise collections will continue to review the position of businesses, particularly those experiencing financial difficulty. This will be done on a case by case basis, where the submission of supporting documentation indicates a downturn in activities and turnover over a period of time.**

Cllr. D. McCarthy said small shops are closing but if Kerry County Council was a more lenient with them they may remain open.

Cllr. R. Beasley **SECONDED** the motion and said he spoke to staff on this issue on numerous occasions. In Ballybunion a pub and a shop closed since Christmas and they remained open till then out of pride. He believed the situation is getting worse for small businesses in towns and villages.

### **32. Retention of Transfer Stations**

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

As transfer stations are of vital importance to a huge number of customers in this County, I ask that this Council give a commitment, stating that they are not considering selling these essential assets. Also are there plans to introduce the weighing of bags at these transfer stations.

**The following reply issued:**

**There are currently no plans in this regard. We have been recently advised that the new household waste regulations will be published in mid February. We will examine the published regulations and revert to council regarding their impact with regard to any requirements for the weighing of residual waste quantities at our Civic Amenity sites.**

Cllr. J.J. Culloty said Transfer Stations are vitally important to the county and it is imperative that they remain in Council ownership. He asked how the weighing of refuse will be implemented and expressed concern that this will deter people from using Transfer Stations. He also expressed concern that this could lead to an increase in charges and said this would be counter productive.

Cllr. J. Brassil SECONDED the motion.

**33. Recognition of sites in North Kerry for the preservation of the Whooper Swan**

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

That Kerry County Council recognise the importance of sites in North Kerry to the preservation of the Whooper Swan.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. D. Nolan said there are places in North Kerry where up to 100 Whooper Swans gather and all Council documents should take cognisance of that.

Cllr. J. Moloney SECONDED the motion.

Cllr. J. Moloney moved Notice of Motion No. 34 on behalf of Cllr. O'Shea.

**34. Retention of Transfer Stations**

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

Will the Management of Kerry County Council give a firm commitment to the people of Kerry that, due to the changes being introduced in June 2015, the transfer stations in the County will not be sold off and will remain in the ownership of Kerry County Council indefinitely.

**The following reply issued:**

**There are currently no plans in this regard. We have been recently advised that the new household waste regulations will be published in mid February. We will examine the published regulations and revert to council regarding their impact with regard to any requirements for the weighing of residual waste quantities at our Civic Amenity sites.**

**35. Demise of the Irish language**

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

That this Council write to the Minister of Gaeltacht and Rural Affairs asking her to address the issue concerning the demise of the Irish language in this State.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. D. Quigg said the Irish language must be preserved.

Cllr. D. McCarthy SECONDED the motion.

**36. Current status of the Blue Flag at Rossbeigh Beach**

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

To ask Kerry County Council what is the current status of the Blue Flag at Rossbeigh Beach.

**The following reply issued:**

**An application has been made to An Taisce to have the Blue Flag awarded to Rossbeigh in 2015. An international Jury adjudicate on all applications received. The announcement of the Blue Flag awards will be made in June.**

Cllr. J.F. Flynn called on the Council to do whatever it can to ensure the Blue Flag is restored for Rossbeigh in 2015.

Cllr. N. Kelleher SECONDED the motion.

**37. Call for a meeting with the NRA**

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

To ask Kerry County Council to call on the NRA to meet with councillors to discuss our priorities as a Council.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. N. Kelleher said members requested a meeting with the NRA and he asked if a response was received to this request.

The Cathaoirleach said a reply was received seeking a list of issues to be discussed. Members will be emailed asking them to submit the issues to be raised with the NRA.

### **38. Salting of roads on the County Bounds with Cork**

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

That we the members and Kerry County Council raise concern with the NRA and Management of Cork County Council who neglected to salt or treat the National Primary Road to the East of the County Bounds through Ballyvourney Village and on towards the Half Way House on many occasions since Christmas. It further proves to me that Cork County Council have little interest in improving this section of road even though it is a vital access into and out of our County.

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. D. Healy-Rae said since Christmas he received a number of phone calls regarding the state of the road from the County Bounds into Cork. The roads are salted to the County Bounds by Kerry County Council and are perfect but that is not the case on the Cork side where they are only gritted/salted from the Half Way House. Cllr. Healy-Rae called on the Cork Chief Executive to respond to his concerns and said this impacts on the Ambulance Service and also people travelling to Cork for work. This is a national primary road and it should be treated to the County Bounds by Cork County Council.

Cllr. J. Healy-Rae SECONDED the motion and said lorries travelling this road early in the morning cannot travel down the hill into Cork. The gradient on the Kerry side is steeper yet that road is safe as it is treated by Kerry County Council.

### **15.02.16.16 Correspondence – Conferences and Seminars**

Mr. G. O'Brien said a Circular was received from the Department the previous Friday in relation to members training. AILG are proposing to pilot some of the 2015 'in service' training events at weekends in order to facilitate councillors. Given that these weekend training events will, in some instances, be outside the 'home' region of a large proportion of elected members, the Department is agreeable, on a three month pilot basis from February 2015 to end-April 2015, to approval of the attendance of an elected member to ONE 'in service' training event that is held on a weekend outside of their region, with expenses to be payable in respect of the location where training is undertaken. The training event on Governance of Local Authorities will be held both in Killarney and in Arklow and members may attend either event.

Cllr. Ferris requested approval to attend both events until she establishes which one she will be in a position to attend.

- (a) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J.F. Flynn it was agreed to authorise the attendance of Cllrs. Cahill, Ferris, Flynn, Kelleher, Kennelly, Moloney, Moriarty, O'Shea, Quigg and Sheahan at the AILG 'In Service' Training on Governance of Local Authorities to be

held in Killarney on the 17<sup>th</sup> February, 2015 or in Arklow on the 21<sup>st</sup> February, 2015.

Cllr. M. Cahill was nominated to report back to Council on this event on behalf of all the members that attend.

- (b) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. D. McCarthy it was agreed to authorise the attendance of Cllrs. Spring, Cronin, Finucane, Fitzgerald, Purtill, D. Healy-Rae, J. Healy-Rae and Culloty at the Esperenza Enterprises Training event on the theme Sustainable Tourism Development to be held at the Connacht Hotel, Dublin Road, Galway on the 20<sup>th</sup> and 21<sup>st</sup> February, 2015.

Cllr. Spring was nominated to report back to Council on this event on behalf of all the members that attend.

- (c) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. Cahill, Connor-Scarteen, Finucane, Fitzgerald, Flynn, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Kennelly, McCarthy, O'Connell, Purtill, Quigg, Sheahan and Spring at the AILG Second Annual Conference 2015 to be held in the Nuremore Hotel, Carrickmacross, Co. Monaghan on the 12<sup>th</sup> & 13<sup>th</sup> March, 2015.

Cllr. Fitzgerald was nominated to report back to Council on this event on behalf of all the members that attend.

- (d) On the PROPOSAL of Cllr. D. Nolan, SECONDED by Cllr. J.F. Flynn it was agreed to authorise the attendance of Cllrs. Beasley, Cahill, Connor-Scarteen, Cronin, Finucane, Fitzgerald, Flynn, Foley, Grady, Kelleher, Kennelly, P. McCarthy, McEllistrim, Moloney, Nolan, O'Brien, O'Connell, O'Shea, Purtill, Quigg, Sheahan, Spring and Brassil at the LAMA Spring Seminar to be held at the Ard Rí House Hotel, Milltown Road, Tuam, Co. Galway on the 10<sup>th</sup> and 11<sup>th</sup> April, 2015.

Cllr. O'Connell was nominated to report back to Council on this event on behalf of all the members that attend.

- (e) On the PROPOSAL of Cllr. D. McCarthy, SECONDED by Cllr. J.F. Flynn it was agreed to authorise the attendance of the Cathaoirleach at the Óiche Cheoil hosted by the Kerry Association in Dublin on the 7<sup>th</sup> March, 2015.

Mr. J.D. Flynn informed the meeting that when the Budget was being prepared the Training Budget was framed based on information to hand from AILG. However it is now evident there will be additional training events and as a result there maybe an over expenditure in this area which will be brought to Council for approval in the context of Budget 2016.

### 15.02.16.17 Correspondence General

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

1.	Letter dated 9 <sup>th</sup> January, 2015 from the HSE in relation to the provision of a dedicated Stroke Unit within Kerry General Hospital.
2.	Letter dated 13 <sup>th</sup> January, 2015 from the Office of Government Procurement regarding Procurement Contracts.
3.	Letter dated 15 <sup>th</sup> January, 2015 from Deputy Michael Healy-Rae enclosing a reply to a Parliamentary Question regarding the trailer driving test.
4.	Email dated 16 <sup>th</sup> January, 2015 from the Office of the Minister for Health regarding respite care for special needs children in South Kerry.
5.	Letter dated 16 <sup>th</sup> January, 2015 from Dublin City Council in response to a resolution from Kerry County Council circulated to all local authorities calling for the restoration of the Respite Care Grant.
6.	Email dated 19 <sup>th</sup> January, 2015 from the RSA regarding the trailer driving test.
7.	Letter dated 21 <sup>st</sup> January, 2015 from An Post regarding Listowel Post Office.
8.	Letter dated 26 <sup>th</sup> January, 2015 from the Nursing and Midwifery Board of Ireland regarding the increase in the retention fee for nurses and midwives.
9.	Email dated 26 <sup>th</sup> January, 2015 from the Minister for Communications regarding the roll out of Broadband in rural areas.
10.	Letter dated 29 <sup>th</sup> January 2015 from the Minister for Transport, Tourism and Sport in response to Kerry County Council's request for additional funding for the Ring of Kerry road.
11.	Email dated 3 <sup>rd</sup> February, 2015 from the IRFU in relation to Ireland's bid to host the 2023 Rugby World Cup.
12.	Email dated 3 <sup>rd</sup> February, 2015 from Mr. J. Holstead, Chorca Dhuibhne Rugby Club in relation to Ireland's bid to host the 2023 Rugby World Cup.
13.	Letter dated 3 <sup>rd</sup> February, 2015 from the NRA in relation to the provision of a pedestrian crossing on the N72 at Rathmore.
14.	Letter dated 3 <sup>rd</sup> February, 2015 from the NRA in relation to improvements to the Tralee to Ballyduff Road.
15.	Letter dated 3 <sup>rd</sup> February, 2015 from the NRA in response to a request from Kerry County Council for a meeting with them.
16.	Letter dated 4 <sup>th</sup> February, 2015 from the RSA in response to a resolution from Kerry County Council calling for the removal of the blanket ban on people fitted with ICD defibrillators for grade 2 vehicles.



## Minutes February 2015

17.	Email dated 6 <sup>th</sup> February, 2015 from the Minister for Transport in relation to trailer driving tests.
18.	Email dated 9 <sup>th</sup> February, 2015 from the Office of the Minister for Environment, Community and Local Government in response to a resolution on NPPR.
19.	Email dated 9 <sup>th</sup> February, 2015 from the RSA in response to a resolution on MOT tests.
20.	Letter dated 5 <sup>th</sup> February, 2015 from Clare County Council regarding a resolution adopted by that authority calling on the Taoiseach and the Minister for Finance to oppose the sale of Aer Lingus and calling on Aer Lingus management to increase connectivity and levels of service to Shannon Airport.
21.	Letter dated 9 <sup>th</sup> January, 2015 from the HSE in relation to the provision of a dedicated Stroke Unit within Kerry General Hospital.
22.	Letter dated 13 <sup>th</sup> January, 2015 from the Office of Government Procurement regarding Procurement Contracts.
23.	Letter dated 15 <sup>th</sup> January, 2015 from Deputy Michael Healy-Rae enclosing a reply to a Parliamentary Question regarding the trailer driving test.
24.	Email dated 16 <sup>th</sup> January, 2015 from the Office of the Minister for Health regarding respite care for special needs children in South Kerry.
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27.	Letter dated 21 <sup>st</sup> January, 2015 from An Post regarding Listowel Post Office.
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29.	Email dated 26 <sup>th</sup> January, 2015 from the Minister for Communications regarding the roll out of Broadband in rural areas.
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## Minutes February 2015

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Cllr. N. Kelleher requested when a reply is received to a Notice of Motion that the reply would be emailed to the mover of the motion rather than waiting for the next Council meeting.

Mr. G. O'Brien said this would be considered.

Cllr. P. Daly referred to the reply received from the Office of Government Procurement and said if a major contractor benefits from work from Kerry County Council they should be reminded of their obligation with the social partners not to discriminate against an employee who is a member of a Union.

Cllr. J. Healy-Rae said if a Company has an obligation there is no need to remind them of it.

Cllr. Daly said this law is being abused.

The Cathaoirleach said if members have concerns regarding a specific Company they should discuss the matter with Management.

Cllr. T. Ferris said when people were being asked to register their septic tanks this was included in emails and she suggested that this could be included on all emails from the Council.

Cllr. Daly said some people want employers not to have to comply with this legislation. An employer can sack an employee without cause within 12 months of employing them.

### **Votes of Sympathy**

The following Votes of Sympathy were noted from the Book of Condolence.

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Con O'Keeffe.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Audrey Gordon.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Pat Mahony.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Catherine Donnelly.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late May O'Sullivan.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Bowler.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Nuala Foley.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Katie Kerins.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Agnes Desmond.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Breda Mulvihill.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kattie Leary.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late J.P. Griffin.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Tom Herlihy.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Nora Clancy.

- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Donal Callaghan.
- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary McCarthy.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Anne Moynihan.

**15.02.16.18 Any other business**

Cllr. T. Ferris PROPOSED that this Council call on the Taoiseach to follow the example of Sweden and Luxembourg and to establish a Palestinian Embassy in Ireland.

**Dates for Briefings on the 2015 Roads Programme and the Draft Schedule of Municipal District Works**

Mr. C. O'Sullivan informed the meeting he had spoken with the Mayor and Cathaoirligh of the Municipal Districts regarding dates for the Briefings on the 2015 Roads Programme and the Draft Schedule of Municipal District Works. The following are the dates agreed for the briefings:

Tralee Monday 2<sup>nd</sup> March following the Municipal District Meeting.

Listowel Monday 2<sup>nd</sup> March at 3pm in Áras an Phiarsaigh, Listowel.

Killarney Wednesday 11<sup>th</sup> March at 10.30am in the Town Hall, Killarney.

South & West Kerry Monday 9<sup>th</sup> March following the March Ordinary Meeting in the Council Chamber.

Cllr. J.F. Flynn requested that members would be circulated with a list of all staff changes.

The Chief Executive said members would be provided with an organisation chart.

The meeting concluded at 6pm.

**Gerard O'Brien**  
**A/SEO Corporate Affairs**

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**Cathaoirleach of Kerry County Council**