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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 SAMHAIN, 2015**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 16 NOVEMBER, 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	JF 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. M O'Donoghue A/Dir. of Corp. Serv.
Mr. O Ring Director Water Serv.	Mr. J. Breen, Dir. Sust. Comm./Q of L
Mr. C. O'Sullivan, Dir. Ops., H & S	Mr. P O Shea A/SEO Finance
Mr. M. Scannell, A/Dir.Job Cr./Sust. Dev	Mr. T Hayes
Mr. G. O'Brien, Meetings Administrator	Mr. T O'Connor Co. Librarian
Ms. B. Reidy, SSO Corporate Affairs	Ms. J McCarthy SEO Tourism Dev & BI
Ms. O. O'Shea, CO Corporate Affairs	Ms. S Broderick SO

The meeting commenced at 10.40am.

The Cathaoirleach, Cllr. P. McCarthy took the Chair.

The Cathaoirleach welcomed the 3<sup>rd</sup> year students and their teachers from Mercy Mounthawk, and representatives of the Latch - On post graduate students from IT Tralee, who were observing the meeting from the public gallery.

## **Pride of Place**

The Cathaoirleach congratulated Kerry Traveller Health and Community Development Project, and Listowel Town on winning awards at the Pride of Place Awards 2015 which were held in Ennis on Sunday 15<sup>th</sup> November.

## **800<sup>th</sup> Anniversary of the Lord Mayors Show in London**

The Cathaoirleach stated that he had attended the 800<sup>th</sup> Anniversary of the Lord Mayors Show in London on the 14<sup>th</sup> November, 2015 at the invitation of Tourism Ireland. He reminded the members that 2016 will be the 800<sup>th</sup> Anniversary of the founding of Tralee. He added that Kerry International Dark-Sky Reserve is spectacular and is one of only three Gold Tier Reserves on the planet, and the only Gold Tier Reserve in the Northern Hemisphere. He hoped that this would be further developed to promote astro-tourism in the south-west region.

## **Terrorist Attacks in Paris and Beirut**

The Cathaoirleach PROPOSED that a minute silence be observed in memory of those who died or were injured as a result of the attacks by terrorists in Paris at the weekend.

Cllr. T Ferris SECONDED the proposal and asked that the people who lost their lives and were injured in the terrorist attack in Beirut on Thursday would also be remembered.

A minute silence was then observed.

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

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

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

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

Mr. M. Scannell referred to Item 4 which relates to the First Variation of the Kerry County Development Plan 2015 . 2021 and the removal of Objective RS-8 from the Plan. This provision relates to the sale of unfinished dwellings in Rural Areas under Strong Urban pressure. At present there is a requirement that the purchaser must be from the area. It is proposed to remove this requirement but it must be the purchaser's permanent place of residence.

Mr. Scannell briefed the meeting on Item 5 and stated that the application was referred by An Bord Pleanála to Kerry County Council for comment on the planning and environmental impact of the project. The Chief Executive will present

a report to members and while they cannot amend the report they can add their views to it.

**Item 2 Update on the Tourism Strategy**

Mr. J. Griffin gave a presentation on the preparation of the Tourism Strategy and a copy of his presentation is attached.

Members welcomed the presentation and agreed that it be circulated to all members.

**Item 3 Update on the LECP**

Mr. M. Scannell gave a presentation on the preparation of the LECP and a copy of his presentation is attached.

**Item 4 Elected Members Survey – Review of the operation of Local Government Reforms 2014**

Mr. M. O'Donoghue stated the DoE has notified the Council as the new arrangements for local government are in place for over a year the Minister for Environment has initiated an operational review of the changes. A survey is being undertaken to invite the views of elected members on various aspects of the revised local government structures. A copy of the survey will be sent to all members in the coming days and they are asked to complete the survey and to return it to Gerard O'Brien, Meetings Administrator who will then forward all the responses to the DoE by 1<sup>st</sup> December.

**Item 5 Any other business**

Mr. O. Ring advised members that elected members in the South and West Kerry M.D. received notification yesterday on the Breanlee Water Supply. Planned maintenance was scheduled for Wednesday for this Treatment Plant but there was a breakdown at the Plant on Sunday which necessitated the shut down of the Plant for the duration of the works. On the advice of the HSE and as a precautionary measure a boil water notice issued. He anticipated the works would take 5 days. Approx. 200 customers are affected and information leaflets were dropped into each house in the area affected.+

**15.11.16.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. M Gleeson, it was resolved that the Minutes of the October Ordinary Meeting of Kerry County Council held on the 19<sup>th</sup> October, 2015 be confirmed.

**15.11.16.03 Chief Executive's Report**

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

**“Introduction**

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

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

Members will also be aware that an update report is provided 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 the November 2015 Council Meeting.

### **Financial Position**

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

### **Operation of LCDC**

The LCDC has not convened since the last report to Council in October. The LCDC will consider the Local Development Strategy under the Leader Programme which is currently being prepared at its November meeting. It is planned to have the strategy submitted for approval by the end of November/early December. The LCDC will also consider the draft community actions for the Local Economic and Community plan at this meeting.

### **Kerry Public Participation Network**

The PPN Secretariat is working with Kerry County Council to develop a website which will include an online registration system. Community Group registration commences from January 1<sup>st</sup> 2016 therefore the deadline for completion of this work is mid December. It is important that the Community & Voluntary Group register can be utilised for specific purposes and work is ongoing to develop the most appropriate categories that are required for communications from KCC and the Local Development companies - e.g. Active Retired Groups, Community Alert Groups, ResidentsqGroups, Youth Groups, Environment Groups. Groups will

have to self select the most appropriate category. Meetings are also taking place with Local Development Companies regarding this.

A proposal is also being explored to move away from paper based communication with the PPN Secretariat and Linkage Groups of the PPN.

### **Local Economic & Community Plan**

The preparation of the LECP has continued through the period and is currently on the phase of developing the strategic and detailed actions to ensure implementation of the agreed higher level goals. The series of meetings at Municipal district level have been concluded and the draft actions recommended at these meetings together with those which have emerged from the previous detailed consultations will be considered by the Economic Development and Enterprise SPC and the LCDC over the coming weeks.

The regional assembly has provided feedback on the work done to date and advice on the content of the final document.

### **Kerry Local Enterprise Office**

Project activity levels are good with strong demand and queries.

Additional activities undertaken include;

- Regional Action Plan for Jobs submissions
- Community Enterprise initiative application promotion . 6 applications supported
- Competitive Funds LEO . application preparation and submitted (6 applications regionally)

### **Project approvals**

The Approvals & Evaluation Committee has met on five occasions in 2015. 33 projects have been approved funding of " 480,625. A further 9 projects have been approved in principle to a value of " 98,000. 3 further applications have been received in September and sent to Microfinance Ireland. 14 applications this year to date have now been received by Microfinance Ireland.

### **Soft Supports & Training Report January – October 2015**

Total no. of attendees on training courses to date in 2015 . **c. 552 persons**

Waiting lists in operation for all courses

All training is very heavily subsidised

These programmes include:-

- Start Your Own Business Programmes
- Business Growth Programmes
- Digital Marketing Programme

- Advanced Facebook Advertising for Business
- How to create & edit marketing videos for your business
- Food Academy Programme

## **SEMINARS**

A series of seminars have also been delivered. A total no. of attendees at seminars during 2015 . **c. 392 persons**. All seminars were free of charge

These included:-

- How to Win Public Sector Tenders
- Irish Patent Office
- Trading Online Vouchers (2 seminars)
- FUSE Programme (delivered in conjunction with Craft & Design Council of Ireland)
- Budget Briefing

## **Trading Online Vouchers (scheme to support online trading)**

Over 108 applications have now been received with 72 applications approved by the LEO amounting to " 135,069.10. " 64,895.20 has been paid out to clients.

## **Schools Enterprise Programme**

The 2015/2016 schools programme has commenced with all schools contacted. 21 schools have registered. Mentors are currently being appointed.

## **MENTORING**

111 clients have been approved mentoring support through formal assignment.

## **Business Advice Clinics**

25 Business Advice Clinics held so far this year in Tralee, Killarney, Castleisland, Listowel, Cahirciveen, Kenmare and Killorglin. 6 businesses participate per clinic.

## **Employment Survey**

As part of our SLA with Enterprise Ireland, we are undertaking a survey of all previously grant aided clients of the Local Enterprise Office and the former County Enterprise Board to determine current employment numbers. 467 businesses have to be contacted as part of this survey.+

Cllr. D Healy Rae stated that he was not satisfied with the reorganisation of the Housing and Planning Departments and he asked that consideration would be given to the reinstatement of the previous system. He asked if similar changes had been made in other Local Authorities and if so that a letter issue to the

Department of Environment, Community & Local Government requesting that this matter be reconsidered.

Cllr. J Healy Rae asked if a timeframe for making an application for Leader funding is available. He also asked if Kerry County Council has made an application for funding to Irish Water for pipe replacement at Breanlea.

Cllr. N Moriarty asked if an update was available on the application for Broadband in rural Kerry.

The Chief Executive, Ms. M Murrell stated that Kerry County Council has made a submission to the Minister for Communications, Energy and Natural Resources and a response is awaited.

With regard to Leader funding the Chief Executive stated that a considerable amount of work has been carried out by Kerry County Council and the LCDC to put a single Strategy in place for the county. A submission for Leader funding is currently being prepared and will be forwarded to the Department before the end of the year. It is anticipated that funding will be made available early in 2016.

At the Special Planning meeting on 9<sup>th</sup> November she informed members why the Planning Enforcement Unit is separate from the Planning Department. Systems have been put in place to ensure joined up thinking and she is happy with the system that is in place and she undertook to keep it under review. With regard to Housing, she stated that Operations & Maintenance has been strengthened and as of now she is satisfied with the progress being made but she would keep it under review also.

The Chief Executive acknowledged the work of all the staff of Kerry County Council.

Mr. O Ring referred to the query from Cllr. J Healy Rae regarding pipe replacement at Breanlea and undertook to investigate this matter and to revert to Cllr. Healy Rae before the end of the meeting.

#### **15.11.16.04 Variation No. 1 of the Kerry County Development Plan 2015 - 2021**

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

%wish to remind members of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must:

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

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

Mr. M Scannell briefed the members on his report dated 6<sup>th</sup> November, 2015 which was circulated in advance of the meeting.

Cllr. JJ Culloty welcomed Variation No. 1 of the Kerry County Development Plan 2015 . 2021 and said it is very important that it is supported. He could not see any downside to this proposal and he PROPOSED that Objective RS-8 be removed from the County Development Plan 2015 - 2021.

Cllr. D Healy Rae said that he is glad that it is proposed to omit Objective RS -8 from the County Development Plan 2015 . 2021 and commented that this restriction should never have been included in the Plan. He said that it is important to note that following the repossession of a house a financial institution/bank may sell it on to any buyer while the owner is required to comply with the conditions of planning permission with regard to the Rural Settlement Strategy and may only sell the house to a person from the area.

Cllr. J Healy Rae welcomed the proposal to omit Objective RS-8 from the County Development Plan 2015 . 2021 and said that this restriction should be removed from rural areas. He is aware of an unfinished house in a rural location which is approximately 25 miles from areas of urban influence where the owner could not sell the house to a purchaser who would be living there for only five months of the year, due to the conditions of the planning permission. If this unfinished house is repossessed by a bank it would be free to sell it on without any occupancy condition. This is an anomaly in the County Development Plan.

Cllr. M Gleeson said that he was delighted to support this amendment to the County Development Plan 2015 . 2021. In the past he had frequently requested that Kerry County Council would consider purchasing vacant and unfinished houses in the county to save the countryside from dereliction and scarring of the landscape.

Cllr. N Kelleher SECONDED Cllr. JJ Culloty's proposal. He thanked the Chief Executive for taking the views of the members into consideration and responding so speedily on this matter.



Cllr. T Ferris commended the Chief Executive and management of Kerry County Council on being proactive on this matter. She said that while she appreciated why Objective RS-8 was included in the County Development Plan she welcomed its removal and it can be examined and discussed when the current County Development Plan comes before the members for review. She referred to Objective RS . 7 of the County Development Plan 2015 . 2021 and asked for a definition of %family farm or landholding+

Cllr. T Ferris asked if applicants who submit subsequent applications for planning permission and are refused may apply for a refund of the fee for the original application. She expressed concern that applicants for planning permission for large developments are not aware that they may apply for a refund. She said that this information should be included in the refusal notification for the subsequent planning application and she PROPOSED that it be included going forward.

Cllr. J Brassil welcomed the removal of Objective RS-8 from the County Development Plan and said he would be very interested in the response to Cllr. J Healy Rae's query regarding the sale of an unfinished house by a bank/financial institution.

Cllr. D Quigg welcomed the removal of Objective RS-8 from the County Development Plan. He said there are a number of unfinished houses in rural areas in Mid Kerry which, if completed, may be considered for the provision of social housing.

Cllr. J Finucane welcomed the removal of Objective RS-8 from the County Development Plan and said this is a very welcome response to the concerns of a group of people who have suffered misery and stress due to a restriction when trying to sell unfinished houses.

Cllr. N Foley thanked the Chief Executive and management for the speed at which Variation No. 1 to the County Development Plan has been progressed. She asked if there is a criteria for %permanent place of residence+and said that she too would be interested in the response from management regarding the sale of a house following repossession by a bank/financial institution.

Cllr. M Cahill welcomed Variation No. 1 of Kerry County Development Plan. He said that he is aware of families who were forced to emigrate due to the economic downturn and they are not in a position to complete the building of family homes. It would be better that these houses are completed rather than becoming a derelict eyesore in the county.

Cllr. B Cronin welcomed the removal of Objective RS-8 from the County Development Plan and said that this will help to address the completion of many unsightly derelict houses in the county. He **SECONDED** the proposal by Cllr. T Ferris that applicants for a subsequent planning application would be made aware of their right to apply for a refund of the fee for the original application. He too would be interested in the response to the query from Cllr. J Healy Rae concerning the sale of a house following repossession by a bank/financial institution.

The Cathaoirleach said that he has been in contact with people who were obliged to sell their family home and it was very distressing.

Cllr. A Thornton asked when Variation No. 1 will come into effect with regard to applications for planning permission.

Cllr. R Beasley welcomed the removal of Objective RS-8 from the County Development Plan and said that amendment is long overdue. It will help to address the issue of vacant/unfinished houses in the county and some may be considered for the provision of social housing.

The Chief Executive said that Variation No. 1 applies only to rural areas under strong urban influence. While she does have some concern with regard to making a variation to the County Development Plan at this early stage she hoped that the omission of Objective RS-8 would achieve its objective.

With regard to the sale of a property following repossession by a bank/financial institution, she said that the Development Management & Planning Guidelines for Planning Authorities June 2007 issued under Section 28 of the Planning & Development Act 2000 requires that the bank/financial Institution is in full control of the property following repossession. The Guidelines in place prohibit the Local Authority from requiring that the purchaser, in such cases, is from the area.

Cllr. J Brassil said this requirement is unfair and is an anomaly and the County Development Plan which should be amended.

The Chief Executive said that Kerry County Council cannot erode the principle of what it is trying to achieve. The purpose of the Core Strategy in the County Development Plan is to protect areas under strong urban influence. She accepted that this is a very important issue and she stated that she intends to meet with representatives of banks/financial institutions to examine this matter.

Mr. M Scannell said that he was the Senior Executive Officer in the Planning Department in 2003 when the Rural Settlement Strategy was introduced. Issues were raised concerning people who were having difficulty with being approved for mortgages. To facilitate applicants for mortgages, it was agreed as national policy that a bank/financial institution would be granted full ownership of a house

in the event of repossession. He said Variation No. 1 relates to Rural Areas Under Strong Urban Influence only.

Mr. Scannell referred to ~~the~~ family farm or landholding and said that the purchase of a site by a person who has no traditional link to an area would not constitute a landholding in terms of the Rural Settlement Policy.

With regard to the refund of planning fees for subsequent developments, Mr. Scannell said that the Planning Authority has refunded fees on a number of occasions usually in the case of large scale developments. The onus is on the applicant to apply for a refund.

Cllr. J Finucane said that when a property is sold by a bank/financial institution the objective is to take whatever price is offered and the owner is often left with a shortfall to make up. The home owner may then have to apply for social housing and rent subsidy. There are moral issues involved which are unacceptable. The Banks can write off loans for businesses while the homeowner has no such option. This is morally and socially wrong.

Cllr. J Healy Rae said that he was very disappointed with the response regarding the sale of a house by a bank/financial institution. It is very unfair that a bank can repossess a house and sell it to any buyer without being restricted by conditions of the planning permission such as an occupancy clause or townland rule. The townlands of Beaufort and Glencar merge at Coose Lake and it does not make sense that a person from Glencar is precluded from buying a house on the opposite side of Coose Lake due to the townland rule.

Cllr. D Healy Rae said that he is very concerned that people in rural areas are being treated unfairly. He did not think that meeting with representatives of the Banks would change anything.

In reply to the question from Cllr. Thornton, Mr. Scannell said that the variation to the County Development Plan would apply to any decision subsequent to the adoption of the Variation.

Cllr. T Ferris said that information regarding the availability of the refund of the planning fee should be included in the refusal notice for a subsequent planning application as only two members of Kerry County Council present at the meeting were aware of this option. She understood the rationale behind a Bank having full ownership of a house in the event of it being repossessed and she asked if a Material Contravention of the County Development Plan could be considered in such cases to give the owner of the house the opportunity to address the residual debt without interfering with the core principle of the County Development Plan.

Cllr. J Brassil supported this suggestion.

Cllr. S Locke said that a change in legislation may be needed and this matter should be referred to the Taoiseach for consideration.

Cllr. M O'Shea said that legal advice should be sought as the Rural Planning Guidelines may not stand up to legal challenge.

The Chief Executive stated that there was a specific amendment to the County Development Plan before the members which relates to Rural Areas Under Strong Urban Influence. The principle of Objective RS -8 was that unfinished houses would be sold to people who would live in the area and contribute to the community.

She acknowledged there is an anomaly in relation to the Banks and she undertook to take the views of the members on board. This provision has been in the County Development Plan for the past 15 years and as it is not a widespread problem she would deal with it on a case by case basis. Planning Agents are aware of the option to apply for a refund of the planning fee for the original application when a subsequent application is refused. She undertook to examine the proposal to include this information in the refusal notice for the subsequent application.

Mr. O'Brien informed the meeting that a vote would then be taken on the following proposal made by Cllr. J.J. Culloty which was seconded by Cllr. N. Kelleher.

That this Council having considered the Chief Executive's Report on submissions received in relation to the proposed Variation No. 1, hereby resolves to vary the Kerry County Development Plan 2015 . 2021 to remove Objective RS . 8 which reads *"Give priority to the completion of unfinished dwellings and the occupation of vacant units in preference to new residential development for persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria and environmental protection considerations"* in its entirety from Section 3.3 which applies to Rural Areas under Strong Urban influence.+

The vote resulted as follows:

**For:** Cllrs. R Beasley, J Brassil, M Cahill, P Connor Scarteen, B Cronin, T Ferris, J Finucane, N Foley, M Gleeson, D Grady, D Healy Rae, J Healy Rae, N Kelleher, M Kennelly, S Locke, T McEllistrim, J Moloney, N Moriarty, D Nolan, M O'Shea, L Purtill, D Quigg, J Sheahan, G Spring, A Thornton, P McCarthy **(26)**

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

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

**Absent:** Cllrs. JJ Culloty, P Daly, S Fitzgerald, JF Flynn, D McCarthy, T O'Brien, B O'Connell (7)

The Cathaoirleach declared the proposal CARRIED.

**15.11.16.05 Strategic Infrastructure Application - construction of Grousemount Windfarm**

Mr. Michael Scannell Director of Job Creation and Sustainable Development referred the members to a comprehensive report dated 10<sup>th</sup> November, 2015 on this item, which was circulated with the agenda. He informed the meeting that ESB Wind Development Ltd. has on the 7th September 2015 made an application to An Bord Pleanála for consent under the Planning & Development (Strategic Infrastructure) Act 2006 in connection with the construction of Grousemount Wind Farm, comprising 38 no. Wind Turbines and all associated works in townlands in County Kerry and County Cork. A copy of this application is available for inspection in the offices of the Planning Authority.

While the Act provides that this application will be determined by the Board, Kerry County Council has a key consultative role. Prior to the 20th November 2015 the Council is required to prepare and submit to the Board, a report setting out the views of the Planning Authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area. Prior to submitting that report, the Chief Executive is required to submit the report to the Members of the Council and seek the views of the Members on the proposed development. The Members may, by resolution, decide to attach recommendations, specified in the resolution, to the report and these recommendations shall be attached to the report submitted to the Board.

Members are also reminded that they are entitled, as individuals, to make detailed submissions or observations in relation to the proposed development to the Board.

Mr. Scannell said that this development is effectively an amalgamation of two separate planning applications which have been granted by Kerry County Council.

The application site is designated as *Secondary Special Amenity* in the current County Development Plan 2015-2021. There are *Protected Views and Prospects* from the L-3022-21 and the R569. The proposed development is located within these views.

The southern boundary of the proposed development site is located within Ballagh Bog pNHA. In addition Slaheny River Bog NHA is located 2.5km west south west of the application site.

With respect to Natura 2000 sites; Derryclogher Bog SAC is located approximately 3.2km South west of the application site. Glanlough woods SAC is located 5.5km west of the application site.

Mr. Scannell referred the members to page 7 of the report as follows:

### **3.0 Relevant European, National, Regional and Local Policies**

#### **3.1 European Context.**

##### **3.1.1 EU Commission's Energy for the Future: Renewable Sources of Energy - White Paper for a Community Strategy and Action Plan.**

Development of renewable energy has been a central aim of EU energy policy for some time and, as a first step towards a strategy for renewables, the EU adopted a Green Paper in November 1996 that sought views on setting an indicative objective of 12% for the contribution by renewable sources of energy to overall energy consumption by 2010.

This target was then established in 1997 in the EU Commission's Energy for the Future: Renewable Sources of Energy - White Paper for a Community Strategy and Action Plan. The purpose of the White Paper was to contribute, by promoting renewable energy, to the achievement of overall energy policy objectives: security of supply, environment and competitiveness, and to improve and reinforce environmental protection and sustainable development.

The overall EU target of doubling the share of renewables by 2010 implied that Member States had to encourage the increase in renewable energy sources according to their own potential. These targets aim to provide a stimulus towards increased exploitation of available renewable energy potential and an important instrument for attaining reductions in carbon dioxide (CO<sub>2</sub>) emissions, decreasing energy dependence, developing national industry and creating jobs.

##### **3.1.2 Green Paper on Security of Supply.**

The EU Green Paper on the security of energy supply was published in November 2000. EU resources are limited with respect to reserves of oil and gas and costs of coal production are a multiple of the world market price.

The paper noted that there is a potential abundance of renewables within the EU and aimed to counteract the dependence on energy supplies. Future priorities include managing the dependence on supply by development of less polluting energy sources.

In addition the paper highlighted that new and renewable forms of energy should be the first options for action in relation to security of supply, the environment and local populations.

### **3.1.3 Renewable Energy Directive 2001 & 2009.**

The EU Renewables Directive 2001/77/EC obliged Member States to set indicative targets and committed Ireland to the production of 13.2% of electricity demand from renewable energy sources by 2010. The EU Renewables Directive 2009/28/EC, which amended and subsequently repealed Directives 2001/77/EC and 2003/30/EC, required each Member State to increase its share of renewable energies - such as solar, wind or hydro, to raise the overall share to 20% by 2020.

To achieve the objective, every nation in the 27-member bloc is required to increase its share of renewables by 5.5% from 2005 levels, with the remaining increase calculated on the basis of per capita gross domestic product (GDP). Ireland's share of renewables is therefore required to increase to 16% by 2020.

### **3.1.4 European Commission Energy Roadmap 2050.**

In December 2011, the European Commission adopted the Energy Roadmap 2050, which commits the EU to reducing greenhouse gas emissions to 80-95% below 1990 levels by 2050 in the context of necessary reductions by developed countries as a group.

## **3.2 National Context**

### **3.2.1 Climate Change.**

Climate change is now an accepted fact and is evidenced by increasing temperature, changing weather patterns, glacial melting rates and sea level rise. Despite limited remaining uncertainties, scientists internationally are of the view that the balance of evidence suggests there is a discernible human influence on the global climate as a result of the build-up of CO<sub>2</sub> and other greenhouse gases in the atmosphere.

The *National Renewable Energy Action Plan* implements EU Directive 2009/28/EC on the promotion of the use of energy from renewable sources, which sets out agreed new climate and energy targets: 20-20-20 by 2020 - 20% reduction in greenhouse gas emissions, 20% energy efficiency and 20% of the EU's energy consumption to be from renewable sources. The Plan has set a target of 40% electricity consumption from renewable sources by 2020.

The Government's 40% renewable penetration target for 2020 is estimated to be equivalent to about 5,100 MW of installed renewable capacity.

### **3.2.2 Energy White Paper – 2007.**

The White Paper describes the actions and targets for the energy policy framework out to 2020, to support economic growth and meet the needs of all consumers. It is set firmly in the global and European context which has put energy security and climate change among the most urgent international challenges.

The paper outlines that the challenge of creating a sustainable energy future for Ireland will be met through a range of strategies, targets and actions to deliver environmentally sustainable energy supply and use. The underpinning strategic goals include accelerating the growth of renewable energy sources with key targets as follows:

- 2010: Target gross electricity consumption from renewable sources =>15 %
- 2020: Target electricity consumption from renewable sources =>40 %.

### **3.2.3 Strategy for Renewable Energy, 2012 – 2020.**

In May 2012 the Department of Communications, Energy and Natural Resources published the Government's Strategy for Renewable Energy, 2012 . 2020.

The Strategy notes as follows:

*The Government firmly believes that the development and deployment of Ireland's abundant indigenous renewable energy resources, both onshore and offshore, clearly stands on its own merits in terms of the contribution to the economy, to the growth and jobs agenda, to environmental sustainability and to diversity of energy supply. In addition, and in support of the Government's own energy policy objectives, Ireland is committed to delivering on its obligations under European Union Energy Policy which include the binding national target for renewable energy by 2020.*

## **3.3 Regional Context**

### **3.3.1 South West Regional Planning Authority - Regional Planning Guidelines (2010-2022)**

The Regional Planning Guidelines for the South West Region, 2010 . 2022 acknowledge that the south west has considerable potential for the generation of electricity from sustainable renewable resources such as wind and wave.

The objectives (RTS-09) for the South West Region relating to Energy and Renewable Energy are described below:

- *It is an objective to facilitate the sustainable development of additional electricity generation capacity throughout the region and to support the sustainable expansion of the network. National grid expansion is important in terms of ensuring adequacy of regional connectivity as well as facilitating the development and connectivity of sustainable renewable energy resources.*
- *It is an objective to ensure that future strategies and plans for the promotion of renewable energy development and associated infrastructure development in the Region will promote the development of renewable*



*energy resources in a sustainable manner. In particular, development of wind farms shall be subject to:*

- *the Wind Energy Planning Guidelines.*
  - *consistency with proper planning and sustainable development.*
  - *criteria such as design and landscape planning, natural heritage, environmental and amenity considerations.*
- *It is an objective of the guidelines to promote the sustainable provision of renewable energy from tidal, wave and pumped storage developments together with bioenergy resources, as critical elements of the long-term secure energy supply throughout the region.*

### **3.4 Local Context**

#### **3.4.1 Kerry County Development Plan 2015-2021.**

The Kerry County Development Plan 2015 - 2021, contains the following objectives for Renewable Energy:

*Objective EP-11:* *Implement the Renewable Energy Strategy for County Kerry (KCC 2012)*

*Objective EP-12:* *Not to permit the development of windfarms in areas designated “open to consideration” in the Tralee and Listowel Municipal Districts until 80% of the turbines with permissions in those areas, on the date of adoption of the Plan, have either been erected or the relevant permission has expired or a combination of both and the cumulative affect of all permitted turbines in the vicinity of the proposal has been fully assessed and monitored.*

The proposal for Grousemount Wind Farm complies with the above Development Plan policy. In addition the proposed development is located within the South and West Municipal District, which is unaffected by objective EP- 12 above.

#### **3.4.2 Renewal Energy Strategy:**

Kerry County Council's Renewable Energy Strategy was adopted in November 2012.

The Strategy states:

- *It is recognised that wind energy is best placed to achieve national targets for the consumption of electricity from renewable energy and it is an objective of the planning authority to continue to support the development of wind energy. To this end this strategy identifies appropriate locations for the development of wind energy and sets out the criteria and development management standards which will be used in assessing proposals for wind development.*

Mr. Scannell referred the **Policy Summary** on page 12 and said that European, National, Regional and Local policy recognises the need for greater security of energy supply and competition in the Irish context. The Planning Authority is of the opinion that international, national and regional plans and guidelines support the strategic need, and the benefits of the proposed development at both a national and county level.

In the Renewable Energy Strategy (2012) the site is located on lands designated as **Open to Consideration**.

It is considered by the Planning Authority that the proposed development does not contravene any section of the Kerry County Development Plan 2015-2021 and that the objectives of the Plan including the Renewable Energy Strategy support the development of a wind farm at this location.

Mr. Scannell said that Item 4.0 of the report refers to **European, National and Local Designations**

**4.1 European designations, Natural Heritage Areas, which may be affected by the proposed development (whether in or proximate to same)**

The designated Natura 2000 sites found adjacent to the proposed development include:

- Derryclogher Bog SAC is located approximately 3.2km South west of the application site.
- Glanlough woods SAC is located 5.5km west of the application site.

The following Natural Heritage Areas / proposed Natural Heritage Areas are also located within or adjacent to the site:

- The southern boundary of the proposed development site is located within Ballagh Bog pNHA.
- Slaheny River Bog NHA is located 2.5km west south west of the application site.

**4.2 Protected Structures and Architectural Conservation Areas (ACA's)**

There are no protected structures within or adjacent to the proposed development

There are no architectural conservation areas within the site.

**4.3 Archaeological Monuments and Sites**

There is a recorded monument KE095005 (a stone group) located within the application site and is the closest recorded monument to any proposed works.

#### **4.4 Special Area Amenity Order / Kerry County Development Plan 2015-2021 Amenity Designations.**

There is no designated SAAO (Special Area Amenity Order) on site. The site is located in an area designated as *Secondary Special Amenity* in the Kerry County Development Plan 2015-2021.

Mr. Scannell said that Item 5 of the report refers to Assessment on the effects of the proposed development on the environment and the proper planning and sustainable development of the area.

#### **5.1 Visual Impact and Landscape Assessment**

The proposed development is located within an up land area enclosed by a ring of peaks surrounding the Roughty River source. The upper Roughty valley is characterized by steep valleys enclosing the upper sources of the River Roughty. The existing landscape in the area consists of upland rough grazing interspersed with coniferous planting.

There are Protected Views and Prospects from the L-3022-21 and the R569. In addition the site is visible from Molls Gap, a protected view approximately 23km north west of the application site. The proposed development is located within these views.

##### Protected Views and Prospects from the L-3022-21:

The height of the Mountains east of this protected view is significantly higher than the elevation of the L-3022-21. This conceals most of the development site including the turbines from this protected view. The upper blades from the Nacelle upwards of a single turbine only, can be seen from this location.

##### Protected Views and Prospects from the R569:

The contours of the landscape and in particular the height of the peaks at Coolnagoppoge screen most of the development site heading south along the R569 to Morleys Bridge. The upper tips of 5 (no.) turbines above the Nacelle can be seen along this protected view.

##### Protected Views and Prospects from Molls Gap.

The 23km distance between the application site and Molls gap significantly softens the visual impact of the proposed development. 3 (No.) turbines can be seen at the eastern extremity of the site, however these are also visually adjacent to the existing windfarms at Glanlee. The remaining turbines are partially screened by the elevated topography of the landscape rendering the upper blades (from the Nacelle upwards) of 8-10 additional turbines visible from this location.

The most significant visual impact from the proposed development arises from within the site itself and at the site entrance off the L-3021-43. The impacts at this location do not damage the character of the landscape significantly enough to the extent that its potential as a cultural and or economic asset to the County is reduced.

On balance the sensitive landscapes which are of value to the cultural and or economic development of the County are listed in the Current County Development Plan and it is considered that the impact of the proposed development when viewed from these locations is minimal.

## **5.2 Surface Water and Water Quality**

The Surface Water Management Plan contained in Appendix I of the EIS submitted contains adequate provision to minimise sediment and contaminant run off during the construction phase. In particular section 3.5 of the surface Water Management Plan outlines an individual suite of measure to be undertaken specific to the;

- proposed access roads,
- turbine bases and site compound areas, and
- borrow pit / peat storage areas.

The location of the specific elements outlined in the SWMP is noted on the drawings submitted as part of the Site Drainage Plan.

The Treatment Trains outlined and associated SuDS components in conjunction with the above specific measures are considered adequate in order to ensure that existing water quality in the area will be maintained.

## **5.3 Flood Risk Assessment.**

It is noted from the EIS submitted (Section 15 Hydrology, Hydrogeology and Water Quality) that the increase in surface water run off associated with the completed development will be an additional 3,638m<sup>3</sup>/month from an existing baseline of 2,666,062m<sup>3</sup>/month. (Calculated using average October rainfall) this equates to an additional 117m<sup>3</sup>/day and an additional 0.14% above the baseline runoff. This is considered minimal and does not include additional measure within the site including attenuation, siltraps and check dams. It is considered that the additional minimal runoff generated will not cause flooding down stream in the Roughty River.

## **5.4 Soils & Geology.**

It is noted that a *Preliminary Peat Stability Risk Assessment* has been submitted with the application as part of the Environmental Impact Statement. This assessment is a preliminary assessment only and is not a detailed geotechnical site investigation. The applicants state that they intend to undertake such a detailed site investigation as part of the detailed design process.

It is noted that the peat depths at the specific locations of the turbines has been ascertained and that at some locations the depths exceed 0.5m. It was not clear how the scores were allocated or collated and weighted as part of the Preliminary Peat Stability Risk Assessment. These are a number of slopes that face north, north west and north east. An Bord Pleanála may wish further analysis to be undertaken in relation to peat and slope stability before further consideration can be given to the application.

### **5.5 Noise and Vibration**

The EIS notes that there are no dwellings within 500 metres of any turbine other than 2 no. dwellings which have an association with the project. These 2 no. dwellings are located within 500m to turbines T1, T2, T3 and T4. (Stated in Section 8 of the EIS).

The EIS notes that the proposed development when operated at full power AND cumulatively with adjacent wind farms also operating at full power, may exceed recommended noise levels. [45dB(A) daytime and 43dB(A) night time]

To mitigate these effects the EIS proposes both a daytime and night time curtailment strategy. The day time strategy involves operating turbines T1 and T2 in noise reduced modes in order to reduce levels at one (No.) dwelling. The night time strategy involves the operation of turbines T1-T4, T26-T28 and T36-38 at noise reduced modes or the shutting down of these turbines in order to mitigate the noise effects at ten (No.) dwellings.

This is considered an acceptable strategy in order to mitigate the noise effects if any that may arise cumulatively with other adjacent wind farms.

### **5.6 Shadow Flicker.**

The EIS notes that 4 no. residencies (excluding residences that have an association with the project) will be affected by shadow flicker arising from the proposed development. The number of annual hours of flicker expected at each of these dwellings depends on turbine type but varies from 0.28 . 13.15hrs. The Department of Environment, Heritage and Local Government Windfarm Planning Guidelines recommend that shadow flicker should not exceed 30hours annually.

It is noted that the EIS proposes to pre-programme turbines to prevent their operation on the dates and times when shadow flicker may become a nuisance at particular dwellings and plant vegetation close to receptors to further shield same from shadow flicker.

The predicted incidence of shadow flicker at properties not having an association with the project is low and within the range deemed acceptable under the DoEHLG guidelines for wind farms. In addition the mitigation factors proposed in the EIS are considered acceptable to eliminate or reduce to negligible levels, any shadow flicker which may arise from the proposed development.

### **5.7 Nature Conservation including Natura 2000 Sites**

The designated Natura 2000 sites adjacent to the proposed development include:

- Derryclogher Bog SAC is located approximately 3.2km South west of the application site,
- Glanlough woods SAC is located 5.5km west of the application site.

The following Natural Heritage Areas / proposed Natural Heritage Areas are also located within or adjacent to the site:

- The southern boundary of the proposed development site is located within Ballagh Bog pNHA, and
- Slaheny River Bog NHA is located 2.5km west south west of the application site.

Kerry County Council has previously determined, by way of a Section 5 referral, that the underground cable connection element of the proposed development is not likely to have significant effects on Natura 2000 sites.

It is recommended that additional details / assessments relating to the proposed delivery route works (500m connecting track, Sullane Bridge etc) be requested by way of Further Information.

It is noted that the Freshwater Pearl Mussel Report (which is contained within the EIS) has outlined that it would be prudent to carry out a Stage 3 Pearl Mussel Survey of the Roughty River. In the absence of such a survey, the precautionary principle should be adhered to, particularly with regard to silt management and slope stability.

Kerry County Council requests An Bord Pleanala to take cognisance of the Otter population in the vicinity of the site. Otters are mobile species and are listed on both Annex II and IV of the Habitats Directive. Pre-construction surveys at watercourse crossings are recommended for otters (to be undertaken in accordance with NRA (2008) guidelines for the treatment of Otters prior to the construction of National Road Schemes or as otherwise agreed with the NPWS). Pre-construction surveys for Scullys Hawkweed and Bats are also recommended where any proposed bridge strengthening or similar works are proposed.

### **5.8 Archaeological, Architectural and Cultural Heritage**

There is a recorded monument KE095005 a stone group located within the application site and is the closest recorded monument to any proposed works.

As stated in the original EIS submitted with the application previously granted on site no ground works should take place within 150 metres of the monument.

Pre-development Archaeological testing was requested in respect of PI. Ref 10-197 & 10-1333. This testing should be carried out under license from the Dept. of Arts, Heritage & the Gaeltacht and a report submitted to Kerry County Council and the National Monuments Service upon completion.

### **5.9 Residential Amenity**

In assessing impacts on residential amenity the following direct impacts are considered; overlooking, overshadowing, loss of privacy, devaluation of property, noise and odours. The issue of loss of view is generally not considered to be a relevant factor in considering residential amenity.

There are no habitable dwellings within 500m of the proposed development save for dwellings which have an association with the project. This distance between the proposed development and the nearest dwelling houses eliminates any effects arising from overshadowing, overlooking, loss of privacy and devaluation of property. There will be no odours emanating from the proposed development. Potential effects on residential amenity arising from the proposed development are therefore limited to noise and shadow flicker. The EIS has adequately addressed these issues and proposes acceptable mitigating factors.

Having regard to the distances between existing dwellings and the proposed development and the mitigating factors proposed in the EIS with respect to noise and shadow flicker it is considered that there will be no direct impacts on residential amenities in the area from the proposed development.

### **5.10 Agriculture, Forestry and Land Use**

The completed footprint of the development will occupy approximately 3% of the existing lands with the development site. Save for the duration of construction, the completed development will permit existing agricultural land uses to continue. The completed development does not involve any odours, discharges or waste that could have an impact on adjacent agriculture.

It is considered that the proposed development will not have a negative impact on agricultural activities in the greater rural area.

## **5.0 Submissions received by An Bord Pleanála**

### **Submissions:**

1. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)*

Expressed concern regarding landscape views from Kilgarvan. Views from Kilgarvan village are not listed for protection under the Current County Development plan. The height of the Mountains on the northern boundary

of the proposed development will screen significantly, the proposed development. The blades of one (No.) turbine will be visible from the nacelle upwards. In addition the tips of the blades of three (No.) turbines will also be visible. It so considered that the visual impact from Kilgarvan will be minimal.

1. An Taisce.  
Submission relating to ecology, habitats and the adequacy of the EIS particularly in relation to aquatic ecology. It is considered that the issues raised are a matter for An Bord Pleanála.
2. Irish Water.  
Have stated that they have no objection.  
Submission noted.
3. Inland Fisheries Ireland.  
Submission relating to the adequacy of the EIS in relation to the River Roughty and aquatic ecology. Has requested that the Bord request further information.  
This is a matter for An Bord Pleanála.
4. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)*  
Legal submission regarding the grid connection and a Section 5 reference and whether or not the grid connection should have been included in the EIS and application. This is a matter for An Bord Pleanála.
5. Department of the Arts , Heritage and the Gaeltacht.  
Submission relating to ecology and habitats. It is considered that the issues raised are a matter for An Bord Pleanála.
6. Transport Infrastructure Ireland.  
Submission relating to the proposed access routes off the N22. This proposal is located in County Cork. Submission noted.

Mr. Scannell referred to Item 7 of the report and said that it is recommended that the Development Contribution Scheme 2011 as adopted by Kerry County Council be applied to the proposed development. Contributions are calculated as follows:

Amenity levy: " 1,000.00c per Mega Watt installed.

Max turbine to be installed = 3.5MW.

38 (No.) turbines X 3.5 MW X " 1,000.00c

=> 38 X 3.5 X " 1,000.00c

=> **€133,000.00c**



It is further recommended that a Bond be submitted (amount to be agreed with Kerry County Council's Operations, Health & Safety Directorate) to ensure that the integrity of the public road network, under the responsibility of Kerry County Council, remains.

Cllr. M Gleeson welcomed that the proposed development would not be unduly obtrusive and said that it is important to remember that when we diminish our landscape there is a price to be paid economically. The construction of wind turbines has huge habitat implications and hill walking and climbing are two growing dimensions of our tourism industry in Kerry. Our primary industry is tourism and this is a prime tourist location. He said that he regularly visits the Botanic Gardens in Dublin and has observed that two plants which are native to Kerry, the Killarney Fern and the Scully Hawkweed are growing there as they are in danger of extinction. He emphasised that we need to protect our county from excessive development and destruction.

Cllr. J Moloney said that the long term impact of this type of development is not known and there are fears that the west coast will be decimated and it is important that the impact of this type of development on the Wild Atlantic Way is taken into consideration. He asked if an update is available on the Renewable Energy Strategy.

Cllr. J Healy Rae said that as one of the members from the area concerned he welcomes the development of this windfarm. Several public meetings have been held between the developers, the land owners and the local community in Kilgarvan. He said that this development is an extension of the existing windfarm at Glanlee. The distance between the application site and Molls Gap significantly softens the visual impact of the proposed development from that area. Much of the land in this area is marginal with minimal infrastructure such as roads. The construction of roadways to facilitate this development will give better access to land for the landowners and increase income in a small rural village that has been struggling due to the impact of the recession.

Cllr. P Connor Scarteen acknowledged that the proposed development is an amalgamation of two planning applications granted by Kerry County Council. He said that the application site is in an isolated area where the visual impact would be minimal. By and large the local community are in favour of the development. It will supplement the incomes of a number of landowners in the area and provide employment locally. He said that while he welcomed the proposed development he felt that the Development Contribution which applies is too little and should be increased.

Cllr. T Ferris said that effective public consultation and not the minimum public meetings should be held when developments such as this are being assessed. She said that Cllr. M Gleeson and herself had previously proposed that excess wind energy should be gifted to local schools and community centres and she

PROPOSED that this requirement be included as a condition of planning permission for wind energy developments.

Cllr. R Beasley SECONDED the proposal.

Cllr. JJ Culloty acknowledged that the proposed development will not be visually obtrusive. He felt that the development should be accommodated while taking the concerns of the local people into consideration as we need energy but not at a cost to the local community.

Cllr. D Nolan acknowledged that the proposed development site is not located in the Municipal District of which she is a member. She referred to sections 5.5 . *Noise and Vibration* and 5.6 *Shadow Flicker of the report* and said that the language used should be strengthened to ensure that the mitigation factors are implemented. She said that it is important that the EIS proposals are carried out.

Cllr. D Healy Rae welcomed the proposed development and said that it is not visibly obtrusive and fits in well with the existing wind farm to the north of the site. He said that he understood that the company had already contributed to the local community in Kilgarvan and emphasised that this should continue into the future on an annual contribution basis.

Cllr. D Grady said that he is not in favour of the construction of wind turbines as they are unsightly and may cause distress to people who live in the vicinity of the development. He referred to an interview on television when a homeowner was very distressed due to the impact of a wind farm development on her home which she had built for her retirement.

Cllr. JJ Culloty asked what % of the proposed development would be located in Kerry and in Cork.

Mr. Scannell said that all the wind turbines will be located in Kerry. The access and construction routes are located in Co. Cork.

The Chief Executive reminded the members that they may, by resolution, decide to attach recommendations, specified in the resolution, to the report and these recommendations shall be attached to the report submitted to the Board.

It was agreed that that the following recommendations be made to the Bord:

(1) That a requirement that the Applicant would gift excess energy to local schools and community centres be included as a condition of planning permission.

(2) That the Applicant be required to make a contribution on an annual basis to the local community.

(3) That the Applicant be required to implement the mitigation factors included Sections 5.5 and 5.6 of the report. This should be stated in the strongest possible terms.

#### **15.11.16.06 Kerry Library Development Plan 2015 - 2020.**

County Librarian Mr. T O'Connor said that under the Local Government Act 2001, all County Libraries are required to prepare and adopt programmes for operation and development. The National Plan for Public Libraries Opportunities for All: A strategy for Public Libraries 2013 -2017+ is also taken into context. Preparation and consultation on the Library Development Plan 2016 . 2021 commenced in early 2015 and a wide consultation process was carried out involving the general public, Councillors, members of the Community, Culture and Tourism S.P.C, Library Staff, the Library Partnership Forum and a range of external stakeholders. He made a presentation to the members as follows:

There are 9 libraries in Kerry and they all have Saturday opening. There are also 2 Mobile Libraries which travel out around the county. The Local History and Archives service in the Library in Tralee is very popular and used extensively. An online service is also available and in excess of 200 events / exhibitions are held in the Library each year.

Mr. O'Connor outlined the number of items borrowed from the Library from 2007 to 2014 and stated there was a 56% increase in borrowings in this period with 647,533 items borrowed in 2014. There were 435,010 visits to libraries in 2014, 53,221 Internet Sessions and 20, 670 opening hours.

Self service is now available in the Tralee Library and 22% of customers use this option. WiFi is available in all libraries as is online book renewal. SMS texting is used to inform users about book requests and overdue items. In 2014, 48,074 items were borrowed from Mobile 1 (North & West Kerry) while 92,703 items were taken out on loan from Mobile 2 (South & East Kerry) and this is the 2<sup>nd</sup> busiest service point. The Mobile Libraries have 93 stops serving both urban and rural communities.

Digitised and searchable Kerry newspapers are available to library members via the website at each library and this is very beneficial for those researching their family history. This Section is also used extensively by students doing theses and Leaving Cert History projects. The Local History and Archives Section is a repository for Kerry material.

There is a statutory requirement to produce a Library Development Plan and it is prepared within the context of the National Public Libraries Strategy Opportunities for All 2013 . 2017+ The Draft Kerry Library Development Plan was put out for public consultation and submissions were invited. Special interest groups, staff and the Tourism, Culture, Arts and Recreation SPC also contributed to the Plan. The challenges facing the Library are (1) to continue to increase the customer base, (2) to maintain existing services within available

resources and (3) to provide new services i.e. business information, school programmes, digitisation etc.

From January 2016 membership will be free and a new Library Circulation Management System will be in place from March 2016. Mr. O'Connor outlined the core objectives of the Library Development Plan 2016 . 2021 under the following headings:-

- **Service provision, access and physical space**
- **Learning, skills, the economy and enterprise**
- **Culture and Community**
- **The virtual library**
- **Workforce development**
- **Cooperation, partnerships and promotion**
- **Research and innovation**

Cllr. R Beasley thanked Mr. O'Connor for his presentation. He is Chairperson of the Tourism, Culture, Arts & Recreation SPC and is delighted that the library service was maintained throughout the economic downturn. The library in Ballybunion provides a great service to local people and visitors to the area. He commended Mr. O'Connor and management of Kerry County Council for providing an excellent service to the people of Kerry.

Dáontaigh an Cllr. T. Ní Fhearaíosa leis an gCllr. Béaslaí agus dhein sí comhghairdeas le Comhairle Contae Chiarraí as an seirbhís iontach leabharlainne do mhuintir Chiarraí. She welcomed the development of the virtual library and said that it is important that this is expanded. She asked if ebooks can be accessed on line.

Cllr. N Moriarty thanked Mr. O'Connor for his presentation and complimented the staff of the Library in Caherciveen on the excellent service being provided to the people of the area. She said that she would like to see the classroom service extended to second level schools.

Cllr. JJ Culloty commended Mr. O'Connor and the staff of Kerry Library on the provision of an excellent service to the people of Kerry.

Cllr. M Cahill thanked Mr. O'Connor for his presentation and congratulated Kerry County Council on the provision of an excellent service throughout the county.

He would like to see more exhibitions being held in the libraries and he asked if accessible toilets are in place in all libraries in the county.

Cllr. D Healy Rae congratulated Mr. O'Connor and the staff of Kerry Library on the excellent service being provided and said that he supported the adoption of the Library Development Plan 2016 . 2021.

Cllr. M Gleeson thanked Mr. O'Connor for his presentation and welcomed the provision of disabled access for the Library in Killarney. He recommended that access to the traditional music and song of Sliabh Luachra would be available in Killarney library.

Cllr. S Locke thanked Mr. O'Connor for his presentation and congratulated the staff of Kerry Library on the provision of an excellent level of service to the people of Kerry.

Cllr. T O'Brien thanked Mr. O'Connor for his presentation and congratulated him on the wonderful service being provided by the libraries throughout the county.

Mr. T O'Connor thanked the members for their comments and support and invited them to visit the libraries. He said that a classroom service is in place for second level schools in Tralee and Killarney. He undertook to examine the holding of exhibitions in the library in Killorglin.

#### **15.11.16.07 Holding of December Ordinary Meeting in Ballymacelligott**

On the PROPOSAL of Cllr. J Finucane SECONDED by Cllr. N Foley it was agreed that the December Ordinary Meeting of Kerry County Council would be held in Ballymacelligott on Monday 21st December 2015 at 11.00am.

#### **15.11.16.08 Reports on Conferences, Seminars and Training Events**

On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. M Gleeson it was agreed to note the following reports on Conferences/Events which were circulated.

- (a) AILG Training on Governance of Local Authorities held in Killarney on the 17th February 2015 by Cllr. M. Cahill.
- (b) Housing Debate Conference held in Maynooth on the 10th September 2015 by Cllr. P. McCarthy.
- (c) AILG Autumn Seminar 2015 held in Inchydoney, Clonakilty on the 1st and 2nd October 2015 by Cllr. J.J. Culloty.

- (d) Celtic Conferences Conference held in Clonakilty from 23rd to 25th October, 2015 by Cllr. J. Finucane.

**15.11.16.09 Presentation by Mr. Gareth Parry, Woodside Ireland**

Mr. Gareth Parry, Country Manager for Ireland for Woodside Petroleum thanked the members for the opportunity to address them. Woodside Energy is Australia's largest independent oil and gas company and they are Australia's most experienced LNG operator. They made major discoveries offshore in Australia and are the most active explorer in Australia's deepwater provinces.

Since mid 2013 Woodside have held four exploration licences to drill for oil and gas in the Porcupine Basin. The water there is 500 - 1000m deep and the operating conditions are harsh. The fields are located 150 - 200 km west of the Shannon Estuary and Woodside operates on behalf of their three Joint Venture participants. It is planned to carry out a Seismic Survey in 2016 and the potential drilling activity will be determined following analysis of the seismic data. Mr. Parry outlined the indicative cost of the project and the studies that would be undertaken which included (a) Environmental Studies, (2) Regional geology studies (3) Re-analysis of existing seismic data and (4) Capacity Build.

A Whale field study was undertaken in 2014 - 2015 which was a Woodside led Joint Venture that was commissioned due to a paucity of whale and dolphin data in offshore Ireland. This Study will support understanding environmental sensitivities ahead of operations. The Study would provide evidence of the presence/absence of whales and dolphins and the relative abundance of various cetaceans. The Study was carried out in conjunction with the Marine Institute, GMIT, IWDG and Birdwatch Ireland and it cost approx. " 500,000. The report was completed in Q2 2015 and found that Fin whales are found in the area in relative abundance temporally and spatially. There is increased activity from August onwards and there are higher levels of activity on the westernmost site. The new data will enable Woodside to manage their activities.

Woodside has a long history of partnership with engineering, geoscience and environmental researchers. There is a dedicated Petroleum Geoscience MSc that has hands-on, industry-focussed course content. Two Scholarships for the 2015/16 and 2016/17 academic years have been sponsored by Woodside at a cost of " 75,000. In conclusion Mr. Parry stated that Woodside has proven and distinctive capabilities. Their strong capability in environmental studies enables the acquisition of robust scientific data critical to inform their impact assessment and decision making. They build positive relationships and outcomes with their host communities and wherever they operate they recognise that long-term meaningful relationships with local communities are fundamental to maintaining their licence to operate.

The Cathaoirleach welcomed Mr. Parry to the meeting and thanked him for his presentation.

Cllr. J Finucane thanked Mr. Parry for his presentation. He said that energy costs in this country are very high and he asked if Woodside, Ireland has had any discussions with Shannon LNG with regard to the possibility of a working partnership.

Cllr. J Brassil thanked Mr. Parry for his presentation and also referred to the Shannon LNG project on the Tarbert-Ballylongford landbank which is a site with the deepest water port in Europe. The project is currently locked in stalemate and he asked if Woodside would consider a partnership with Shannon LNG on this project.

Cllr. M Gleeson thanked Mr. Parry for his presentation and asked if his company is involved in fracking.

Cllr T Ferris thanked Mr. Parry for his presentation and supported the comments of Cllrs. J Finucane and J Brassil. She asked if the company would consider examining the use of Fenit as a port as it is already operating actively as a serviceable port.

Mr. Parry confirmed that his company is not involved in fracking. He said that the company has looked at the port in Foynes and considers the facilities there to be of a high standard but all options will be considered.

#### **15.11.16.10 Approval for the opening of Tenders**

- (a) On the PROPOSAL of Cllr. P McCarthy, SECONDED by Cllr. T O'Brien, it was agreed to approve the opening of tenders for Kerry County Council Rural Water Programme - Installation of Pipe Network and Ancillary Works on Clanmaurice GWS at Feans - Closing date: Thursday 12th November 2015 at 1pm.
- (b) On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. A Thornton, it was agreed to approve the opening of tenders for Mitchell's Regeneration Area CCTV - Closing date: Monday 16th November 2015 at 12 noon.
- (c) ) On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. M Gleeson, it was agreed to approve the opening of tenders for North Kerry Landfill, SCADA System Installation - Design and Build Contract - "Prequalification Questionnaire" - Closing date: Wednesday 16<sup>th</sup> December 2015 at 4pm.



## **15.11.16.11 Notices of Motion**

### **1. Management of road side trees.**

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

That Kerry County Council would actively pursue a policy of seeking to ensure that all roadside trees are properly managed in order that, as far as possible, they are not a hazard to road users. That this policy would apply to both private land- owners and to public organisations e.g. the Council and Government Departments such as NPWS and Coillte.

#### **The following report issued:**

**As previously outlined to members, new procedures and structures have been put in place to provide additional supports to our Road Enforcement Officer, in investigating and enforcing the current statutory provisions, in relation to overgrown hedges. The same legislation and investigative powers apply in relation to trees which obstruct or interfere with the safe use of a public road. Where trees are identified as a potential safety risk to road users, the Council will apply the statutory provisions of the Roads Act.**

**However, the Council can only identify potentially hazardous trees based on a basic visual inspection, having regard to the competencies and expertise of our staff. Landowners are also advised to carry out routine inspections of roadside trees on their lands and to seek expert advice from an arborist.**

**The Council has arranged inspections of mature trees in specific public areas, which are in our ownership, in recent times following storms, and works have been carried out following these inspections. Further regular inspections will be carried out on these locations.**

**We will also write to the NPWS and Coillte advising of their responsibility to ensure that trees on their lands are not a potential safety risk to road users.**

Cllr. M Gleeson welcomed the reply and stated given the weather that we are having the Motion is singularly appropriate. Driving the roads at present one regularly sees branches swaying precariously over the carriageway. He had spoken in the past of narrowly escaping a falling tree on two separate occasions. Tall trees close to roadways pose a real threat to safety and to lives. No commercial plantation should be closer than 9 or 10 metres to the roadway. No trees with potential to grow more than 4 metres should be planted along roadways by local authorities.

All State bodies including the NPWS should give appropriate priority to safety of road users. Towards that end the trees along the N72 Ballydowney and the N71

towards Torc should be regularly checked and limbed. He made a submission to Coillte and he asked the Council to do likewise and also to lead by example.

Cllr. J Sheahan supported the motion and called on Kerry County Council to have large roadside trees inspected and to arrange for them to be removed if necessary.

## **2. Regeneration programme for towns in rural Kerry.**

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

That this Council look at a regeneration programme for towns in rural Kerry that have experienced a severe downturn since the recession.

#### **The following report issued:**

**Kerry is fortunate in having a strong nucleus of rural towns and villages throughout the county. Kerry County Council recognises the importance of these Rural Towns and Villages for the social and economic contribution they make to their communities and rural hinterlands and also for their role in creating quality living environments for residents and visitors alike. The economic downturn over the past number of years has impacted to a greater or lesser extent on the vibrancy of these areas.**

**The research carried out as part of the preparation of the Local Economic and Community Plan (LECP) clearly demonstrates that there are towns within the county that continue to do well with sustained population growth and vibrant economies and other areas experiencing population decline or stagnation. The Council has clear policies in both the County Development Plan (CDP) and the emerging LECP to strengthen towns and villages in the county. In particular the following Objectives from the CDP focus on this area;**

**US-5 Encourage and stimulate the sustainable re-development and renewal of the town and village cores.**

**US-6 Support the sustainable development of derelict sites and infill sites in towns and villages and encourage the use of upper floors of retail premises as residential accommodation as a means of providing additional housing and revitalising settlements.**

**The LECP has identified the regeneration of towns and villages as a central theme of the economic and community development of the county and through the retail and community stakeholder groups a number of actions have been identified to bring increased activity and vibrancy to these areas. The following higher level goal was identified early in the process;**

**3.9 Support the sustainable regeneration of urban and rural areas, through the development of integrated plans, community capacity building and targeting investment to develop vibrant sustainable communities.**

**The Council is working with the various towns in the county to establish Chamber Alliances to support existing businesses and to promote these centres in a coordinated manner. The Council is also committed to work with communities in the development of village design statements, tidy town initiatives and working with local development companies in delivering Leader projects in these areas and also to fund projects under the community support fund.**

**The Council will target the recently announced town and village renewal grant scheme and make strong submissions for funding when the detailed funding requirements are announced.**

**Through its own work programmes the Council will continue to invest in the infrastructure of towns and villages with improved public lighting, pavement and road improvements and improvements to amenity areas in these areas. The Council will also pursue the cooperation of property owners through the derelict sites legislation to improve their premises to enhance streetscapes. The Council will seek improvements that impose the modest costs on property owners.**

Cllr. D Quigg welcomed the response and said that he would like to see development around areas where there are primary medical centres. He referred to the recently announced Town and Village Renewal Grant Scheme and asked if it would be suitable for matched funding from LEADER.

Cllr. N Kelleher said that he had raised this matter at the Killarney Municipal District Budget Meeting as it is very important that rural towns and villages are supported. He called on the Government to put a Rural Regeneration Programme in place.

The Chief Executive stated that details of the Town and Village Renewal Grant Scheme have not yet been received therefore she was not in a position to advise members in relation to matching funding from LEADER. As soon as the details are available members will be informed.

**3. Housing purchase, ownership and maintenance by Kerry County Council.**

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

To ask Kerry County Council Housing Section (a) how many houses have been purchased to date by the Property Section, (b) will work begin on any proposed extensions before the end of this year and (c) how many houses are in Kerry

County Council's ownership and how many is allotted for maintenance for each unit.

**The following report issued:**

**The Council's target for House Purchases for 2015 is 30 houses. At this stage all 30 houses have been identified and are "sale agreed" with the vendors. Contracts have been signed for 16 houses and the remaining houses are at contract examination/signing stage. We expect to meet or exceed our purchase target by year end.**

**The Council received an allocation from DOECLG in June 2015 of €365,028 for Extensions/Adaptation Works to Local Authority Houses. In relation to Adaptation Works these are carried out for persons with a disability/elderly persons and it is expected that works to a total of €190,000 will be carried out to 30 Local Authority Houses by year end and these works are ongoing or completed in some cases.**

**In relation to Extensions to Council Houses, 2 extensions are ongoing on-site having commenced in 2015, 4 further extensions are at tender/pre-tender stage in order to progress. In accordance with the Council's Extensions Policy, applicants are prioritised on the basis of medical needs/overcrowding and all options including transfer to a more suitable property are examined in order to meet qualified applicants needs.**

**As the Council are aware, every effort has been made in 2015 by Housing to deliver on the significant targets of the extensive Housing Construction/Acquisition Programme and this has received priority with 400 housing units being delivered this year, which reflects substantial progress. The Extension/Adaptation Programme is a part of this overall Programme. It has been agreed that a Special Housing Meeting will be held and full details of all Housing Programmes will be discussed at that Meeting.**

**The Council currently owns 3,957 houses and has 80 tenanted demountable units. The total Adopted Housing Maintenance Budget for 2015 is €3,418,000. This figure includes €1,160 mn for return of vacant properties which is funded also through the Voids Programme and Internal Capital Receipts and payment of €320,000 for house insurance. In 2015, €500,000 of the above was put in place for a specific housing planned maintenance and improvement programme which is now underway for a programme of range replacement, gas boiler upgrading, heating system upgrades, chimney and roof repairs across the 4 Municipal Districts of the County.**

**Cllr. D Healy Rae welcomed that 30 houses have been purchased and that 400 housing units will be delivered this year but he expressed concern that adequate**

social housing is not being provided in the Killarney Municipal District. Funding for housing maintenance is also inadequate and the needs of tenants are not being addressed.

Cllr. N Kelleher referred to the reply and said that he is not convinced that the 30 houses at %sale agreed+with the vendors will be finalised. Vendors are more interested in selling houses on the open market due to the length of time it takes to process the sale to the Local Authority.

Mr. J Breen confirmed that the 30 houses are at %sale agreed+with the vendors and did not accept that there are delays when a house is being purchased by the Local Authority. He accepted that there is difficulty in sourcing accommodation by the Local Authority in the Killarney area.

Cllr. D Healy Rae asked if the 400 housing units to be delivered include the 20 that are to be built in Killarney.

Mr. Breen said that the 400 includes house purchases, accommodation acquired under the Rental Accommodation Scheme (RAS), leasing of houses and the return of voids.

#### **4. Housing Estates taken in charge by Kerry County Council**

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

How many historic estates have Kerry County Council taken over since the law changed directing local authorities to so, how many estates have they taken over in the last 2 years in total.

##### **The following report issued:**

**Significant progress has been achieved with taking estates in charge since a Memorandum of Understanding & Protocols were agreed nationally with Irish Water in March of this year. This Memorandum of Understanding puts in place processes and timeframes in our dealings with Irish Water in respect of water services infrastructure within housing estates in respect of which taking in charge applications have been received. Unfortunately, it was not possible to take any estates in charge during 2014, pending legal clarification in relation to the transfer of assets to and the establishment of protocols with Irish Water.**

**At the start of the year, the Council had 35 applications on hand for taking in charge and in our Work Programme for 2015, adopted by Council last April, we had outlined a target of 23 estates to be progressed this year. The municipal districts resolved to take 8 estates in charge at their meetings during the summer. Work has been on-going in progressing a further 11 estates and it is hoped to have these advertised by the end of the year, with the intention of formally submitting them to the Municipal District meetings**

**early in the new year, for consideration and adoption, having regard to any submissions received .**

**There are 2 further estates for which taking in charge applications have been made which given their relative size, Irish Water are carrying out water audits as pilot projects in advance to the taking in charge process being commenced. It is also our intention to progress a further 7 estates early in 2016.**

Cllr. J Healy Rae thanked the Chief Executive and management of the Council for taking the estates in charge.

Cllr. M Kennelly **SECONDED** the motion and said even though a Bond is still in place for the Writings Estate in Listowel residents have been told the public lighting will be disconnected.

Mr. C O'Sullivan said that the taking in charge of estates involves due process. An undertaking was given that 20 - 25 estates would be taken in charge and it is hoped that by early 2016 the statutory process will be completed.

**5. Traffic calming measures at the entrance and exit to St. Michael's College, Listowel.**

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

That Kerry County Council call on Transport Infrastructure Ireland (TII) to provide funding to carry out immediate traffic calming measures and pupil and pedestrian road safety measures at the entrance and exit to St. Michael's College, Listowel. These works are immediately needed as pupil, pedestrian and all road users safety is seriously at risk.

**The following report issued:**

**Kerry County Council will carry out a Feasibility Report on this section of the N69 in the vicinity of St. Michael's College, Listowel, to determine if road safety issues exist and examine accident statistics for this area. This report will then be submitted to Transport Infrastructure Ireland for their consideration.**

Cllr. M Kennelly circulated photographs of the road in the vicinity of St. Michael's College, Listowel and said that there is a considerable volume of traffic at this location at school drop off and pick up times.

Cllr. J Moloney said that this problem arose following the installation of traffic lights further down the road.

The Chief Executive stated that the provision of traffic calming measures is a very defined process and accident statistics are required before an application for

a scheme can be made to TII. The public consultation process is very inclusive and very democratic and works will not proceed without the approval of the members of the Municipal District.

**6. Designation of the land bank at Tarbert and Ballylongford.**

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

The Kerry County Council call on the Minister for Finance to designate the land bank at Tarbert and Ballylongford a %special tax designation+to encourage development.

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

Cllr. J Finucane said that that the land bank in Ballylongford dates back to the late 1960s. It is a vital development opportunity and there is very little progress with the proposed Shannon LNG project.

Cllr. M. Kennelly SECONDED the motion.

**7. Address the increased demand for public toilet facilities along the WAW route.**

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

In view of the huge success of the Wild Atlantic Way and the increase in the number of visitors to our Country, I propose that Kerry County Council immediately address the increased demand for public toilet facilities along this route and make the necessary funding available as a matter of priority so as to ensure that all seasonal public toilets remain open all year round.

**The following report issued:**

**The following summary table outlines the Public Conveniences operated by Kerry County Council along the Wild Atlantic Way:**

Year-round Opening	Restricted Opening during winter (Weekends only)	Closed during late Autumn / Winter / Early Spring
Tarbert	Ballybunion	Castlegregory Beach
Ballyheigue	Fenit	Ventry
Dingle	Banna	Rossbeigh
Killorglin	Inch (Sunday only)	Portmagee
Cahersiveen	Knightstown	
Waterville		
Sneem		
Kenmare		

**It is accepted that due to the success of the WAW that there has been a change in the demands on our public toilet facilities along the route. In particular there are significantly increased demands in both Rossbeigh and Inch.**

**We are currently reviewing all the existing facilities and their opening times. There are a range of issues that need to be worked through including the significant additional resources that could be required in moving to all year round opening in all the facilities on the WAW. We will revert to the Council at an early date.**

Cllr. M Cahill asked that this matter be addressed early in 2016.

Cllr. P Connor Scarteen **SECONDED** the motion and said that there are a number of piers on the WAW that do not have toilet facilities.

Cllr. M O'Shea said that the public toilet at Inch beach should be open every day.

**8. Contractual agreement between Kerry County Council and Irish Water in the restoration of pavements.**

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

To ask the Director of Services for Operations Health and Safety, to explain the contractual agreement between Kerry County Council and Irish Water in the restoration of pavements after repairs have been undertaken by Irish Water.

**The following report issued:**

**The restoration of road pavements following water services repair works falls into two categories; (i) planned works and (ii) unplanned works.**

**For planned works, such as mains replacement projects, the full cost of permanent road restoration is included in the contract and the restoration works are generally carried out by either Kerry County Council Operations or a roadworks contractor after a suitable period to allow for road settlement.**

**For unplanned works, such as a burst water main, Kerry County Council Water Services staff generally carry out temporary road reinstatement. Again, the permanent road restoration will be carried out by either Kerry County Council Operations or a roadworks contractor.**

**In consultation with Kerry County Council Operations, a submission for funding for permanent road reinstatement costs has been made to Irish Water for all unplanned works affecting road pavements for all 2014. A similar submission has been made to cover unplanned works up to September 2015.**



**Irish Water has agreed in principle to fund these works. The permanent road restoration works will be carried out as soon as formal approval has been received. Urgent works on the N70 north of Castlemaine will begin shortly.**

Cllr. M O'Shea said that there has been huge investment in the roads in the county over the past number of years. If pavements are not repaired to the proper standard the surface will deteriorate very quickly.

Cllr. P Connor Scarteen **SECONDED** the motion and expressed concern about the condition of the Board of Works road in Beaufort following road reinstatement works.

Cllr. D Healy Rae referred to the reply and said he is satisfied that the permanent reinstatement works are being carried out to an acceptable standard.

Cllr. M O'Shea said that many roads in Mid Kerry are in a substandard condition.

Mr. O Ring stated temporary road reinstatement works are carried out following unplanned works on water mains. Following planned works road restoration works are carried out by either Kerry County Council Operations or a roadworks contractor after a suitable period to allow for road settlement.

With regard to the Board of Works road he said that temporary repair works had been carried out following a burst water main and permanent road restoration works will be carried out following the mains replacement. A programme will be put in place to identify any sections of road in the county that require permanent reinstatement works following watermain replacement.

## **9. Withdrawal of state funding for An Taisce.**

**Pursuant to notice duly given Cllr. S Fitzgerald PROPOSED:**

That we the members of Kerry County Council request the Government to withdraw all state funding which is being given to An Taisce Organisation, and that their audited accounts including private donations are published on a yearly basis.

**The following report issued:**

**This is a matter for consideration by the members, however, a similar motion was moved earlier this year and the following reply was received from the Office of Minister for the Environment, Community and Local Government:**

**"As the Council may be aware, An Taisce is an independent national voluntary organisation and it does not operate under the aegis or supervision of the Minister for the Environment, Community and Local Government.**

**This Department provides funding to An Taisce in respect of a range of environmental activities and public awareness initiatives which it undertakes. This includes funding for the National Spring Clean initiative; the Green Schools initiative; the Clean Coast and Blue Flag Awards; contribution to the Irish Business Against Litter (IBAL) National Litter League; and for the implementation of the Bathing Water Quality Regulations.**

**The Minister appreciates the valuable work carried out by An Taisce on these important environmental awareness activities and does not propose to cease funding in this regard.**

**This Department does not provide any funding to An Taisce in respect of its activities under the Planning Acts."**

Cllr. S Fitzgerald said that An Taisce has sabotaged the N86 road improvement scheme. He would have thought that An Taisce would be in favour of the development of walkways and cycleways and he asked where is the common good in what An Taisce is trying to achieve. An Taisce are seeking to appeal the decision of the High Court and are looking to appeal against Judge Robert Haughton's decision to allow the "65m road upgrade works to go ahead. The safety and strengthening works are mainly on at least 80% of the existing road and this includes cycle paths.

The public have been campaigning for over 20 years for this upgrade. In 2001 Udarás na Gaeltachta commissioned Fitzpatrick Associates, Economic Consultants to prepare a report on the ~~Key~~ Infrastructure requirements in Gaeltacht Areas. Their report stated that the standard of the N86 is poor, the surface quality needs major improvement and the investment is necessary so that the area can fully benefit from its tourism economic potential.

The road in its current state is not fit for purpose. The closest Accident and Emergency Unit is in Tralee, a full hour in an Ambulance. It is a busy tourist route with large coaches travelling daily to and from Dingle. There is also an increase in the number of cars using the road since the introduction of the Wild Atlantic Way. Many cyclists and pedestrians use this road and it serves a busy agriculture and fishing industry.

In the last 10 years there were at least 75 recorded collisions on this road where:

- 8 people lost their lives.
- 25 people were seriously injured.
- 79 suffered minor injuries.

An Taisce will prolong the misery that many people experience travelling this sub-standard road. All the public want is a road fit for the 21<sup>st</sup> Century so that they can travel safely.

Cllr. Fitzgerald asked who is funding the High Court Case. The Government stated it does not fund it in respect of its activities under the Planning Acts, but someone must be. Is it not time that they were brought before a Dáil Committee and their financial affairs examined. Where are they getting their donations from and have vested groups a conflict of interest in sabotaging projects like this. Have members of An Taisce a vested interest in keeping this case going for their monetary gain. An bhfuil uisce fé thalamh ar siúl. Cllr. Fitzgerald called on the Government to make An Taisce account for their selfish actions. In Kerry there are members on Economic Committees who are trying to promote the county. He called on Kerry County Council to expel and remove An Taisce members from any of these economic related Committees.

Cllr. M O'Shea supported the motion and said that he had raised this matter previously. It is economic sabotage and is depriving the county of "69m.

Cllr. S Fitzgerald then moved Notice of Motion No. 20.

**20. An Taisce representatives on Council committees in Kerry.**

**Pursuant to notice duly given Cllr. S Fitzgerald PROPOSED:**

That we ask the Management of Kerry County Council that An Taisce representatives here in Kerry are removed from any of the Council's committees which are associated with economic development and job creation.

**The following report issued:**

**An Taisce are represented on two committees of the Council as follows;**

- 1. The Economic Development & Enterprise SPC**
- 2. Local Community Development Committee**

**Their representation on both Committees resulted from their selection through the public participation network election process which is the relevant forum for selecting representatives from the environmental pillar.**

**The guidelines for the establishment and operation of Strategic Policy Committees (SPCs) June 2014 require seven sectors to be represented on each local authority's SPC configuration. The environment/conservation sector is one of the named sectors.**

**The adopted Kerry County Council SPC scheme includes representation from the Environment/conservation sector in the following SPCs;**

- Economic Development & Enterprise**
- Tourism, Culture, Arts & Recreation**
- Quality of Life**

**The membership of these committees was selected through the PPN elections and one An Taisce representative was elected on the Economic Development & Enterprise SPC.**

**Similarly the guidelines for the establishment of the Local Community Development Committees sets out that representation from the Environmental Pillar is a requirement on the committee and once more the selection of this representative is through the Public Participation Network (PPN) selection process. A representative from An Taisce was successful in this process.**

**It is important that the Council respect the selection process of the PPN and continue to work with these representatives.**

Cllr. N Kelleher **SECONDED** this motion and said he is a member of the Local Community Development Committee (LCDC) and IRD Duhallow is not represented on it. He **PROPOSED** that An Taisce would be replaced on the LCDC by a representative of IRD Duhallow.

Cllr. D Healy Rae supported the motion and said that he believed the people of West Kerry are being treated unfairly by An Taisce and it is not right that this body is represented on the LCDC.

Cllr. D Quigg supported the motion and said that in his opinion the county is being treated unfairly by An Taisce.

The Chief Executive reminded members when discussing this matter they must be mindful of the upcoming Court Appeal. It is very important for the county that the N86 Road Improvement Scheme progresses. While there is disagreement with the challenge to the Scheme by An Taisce it must be acknowledged that they have a right to take this view. An Taisce is represented on the LCDC and the Economic, Development & Enterprise SPC through the Public Participation Network election process which is the relevant forum for selecting representatives from the Environmental pillar. It is very important that the democratic process is respected.

Cllr. N Kelleher acknowledged that the members of An Taisce have a right to challenge the Road Improvement Scheme but pointed out that the members of Kerry County Council also have a right to their views on the matter.

The Chief Executive stated that the LCDC is now a body in its own right and An Taisce was nominated onto it by the Public Participation Network (PPN).

**10. Inclusion of Motor Neuron Disease in the Long Term Illness Scheme**

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

That Kerry County Council would call on the HSE to include Motor Neuron Disease in their Long Term Illness Scheme as a matter of urgency.

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

Cllr. J.J. Culloty SECONDED the motion.

**11. Establishment of a Music House at the Cill Rialaig Project, Ballinskelligs.**

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

What can Kerry County Council do to assist with establishing a music house for composers, songwriters, musicians etc. at the Cill Rialaig Project, Ballinskelligs.

**The following report issued:**

**Kerry County Council is supportive of initiatives that promote the development of best practice in the Arts, access to and participation in the Arts. Culture is part of what makes our County unique. The Cill Rialaig project is an important cultural asset to South Kerry. To further develop the project by accommodating more artists, to develop their work inspired by Kerry, to share their skills whilst in Kerry and to showcase Kerry as their work is shared internationally will benefit the people of Kerry. The Chief Executive is also arranging to meet with them in the very near future.**

Cllr. P. Connor-Scarteen moved the motion.

Cllr. S Fitzgerald SECONDED the motion.

**12. Liaise with Kerry Group, to determine why Kerry Group chose to set up it's Global Technology & Innovation Centre in County Kildare.**

**Pursuant to notice duly given Cllr. JJ Culloty PROPOSED:**

To ask the Management of Kerry County Council to liaise with the relevant Management Personnel of Kerry Group, to determine why Kerry Group chose to set up its Global Technology & Innovation Centre in County Kildare. It is very important that we ascertain if there are factors which are under our control, that we need to change or implement, which would make this County a more attractive place to set up business.

**The following report issued:**

**The decision and reasons why Kerry Group chose to locate their research facility in Naas, Co. Kildare has been widely reported on in the media. While the decision was extremely disappointing from a Kerry prospective, it is clear from the specific reasons outlined that there were no factors within the control of the Council that could have influenced that decision.**

**It is important to note that the County continues to provide a positive environment for a number of successful, large scale multi-national and indigenous companies. The success of these companies highlights the attractiveness of Kerry as a location for business and investment opportunities.**

**It is equally important to build on these existing companies and engage proactively with them to ensure their continued success and to showcase their proven track record working in Kerry as a basis for attracting new industry to the County. In supporting these companies the Council will continue to highlight the importance of improving connectivity in all its forms from the County to the global economic community.**

Cllr. J.J. Culloty stated that while there were reasons this project went to County Kildare they are a bit vague.

The Chief Executive said that meetings are ongoing with representatives of Kerry Group and she undertook to revert to the members regarding this matter.

**13. Use of meat following deer cull.**

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

To ask the OPW that if and when the deer cull takes place that this meat will be used for human consumption. This meat should be donated to shelters and or food banks.

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

Cllr. M Cahill SECONDED the motion and said that this matter was discussed at previous meetings. The use of this meat for human consumption makes perfect sense.

Cllr. P Connor Scarteen supported the motion and said that he raised this matter previously and Cllr. B Cronin had added to it by requesting that a representative of the NPWS would address a meeting of Kerry County Council.

Mr. G O'Brien said a letter on behalf of the members had issued to the NPWS and a response was not received to date.

Cllr. D McCarthy asked that a reminder letter would issue to the NPWS and that the motion would also be referred to the Wild Deer Association of Ireland for consideration.

**14. Scheme to prioritise roads on the Wild Atlantic Way for upgrade works.**

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

That Kerry County Council consider developing a scheme within which the bad roads that fall on the Wild Atlantic Way get some level of priority.

**The following report issued:**

**Prior to the designation of the Wild Atlantic Way an assessment was carried out on the condition of the route, having regard to the targeted users of the route, and at the time was considered to be in a reasonably good condition.**

**A substantive portion of the Wild Atlantic Way is on the National Secondary road network, particularly in South Kerry and funding for improvement works on the national road network is determined by the TII.**

**Funding for improvement works on non-national roads, including in particular the route of the Wild Atlantic Way in north and west Kerry is provided by the Department of Transport, Tourism and Sport, under a multi-annual roads programme. The Council is currently awaiting a call from the Department on a submission for the next 4 year programme as the current programme for the period 2013 to 2016 is substantially complete.**

**Notwithstanding, the criteria that may be stipulated by the Department, our objectives to promote economic development, will also have to be considered in identifying routes for improvement works under this programme, including tourism routes such as the Wild Atlantic Way.**

**Kerry County Council is in negotiations with Fáilte Ireland to host a major tourism conference on the Wild Atlantic Way in 2016, and members will be advised of this event, when the details are finalized.**

Cllr. A Thornton said that a programme should be put in place to address the condition of roads in the county that are on the Wild Atlantic Way.

Cllr. P Connor Scarteen **SECONDED** the motion.

**15. Ensure that all water-tables and water gulleys are functioning properly in advance of winter weather.**

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

**That in advance of the onset of winter weather that Kerry County Council would make strenuous efforts to ensure that all water-tables and water gulleys are functioning properly. This is cost effective work as it saves the roads from destruction and ensures greater safety for road users.**

**The following reply issued.**

**Kerry County Council's operational staff will endeavour, over the next 6 weeks, to ensure that all water-tables and gulleys are functioning. This is part of the routine maintenance programme and all municipal districts will allocate available resources to this matter.**

Cllr. M Gleeson thanked the members who went on the deputation to the Minister. The cost of providing quality roads is enormous. Recently following his highlighting the unravelling of the surface of part of the N22 the TII announced an allocation of " 0.5m to do 1,000 meters of the roadway and this is " 500 per meter.

It is, therefore, vitally important to ensure that roadways are kept free from ponding because continuous ponding damages road surfaces. This is especially so if the water freezes for any length of time. Opening water gullies and water tables takes time and person power but is cost effective work. It saves money in the medium to long term. The previous evening at 8pm as he drove homewards he saw two Council staff freeing gullies at the bottom of the Castle Heights Hill. He was sure there are many such blocked gullies and unopened water tables. Cllr. Gleeson asked the Director of Operations to try and deploy people power to ensure gullies are clear and water tables are opened.

Cllr. N Kelleher **SECONDED** the motion and said it is important that water-tables and gullies are functioning properly to save roads from deterioration.

Cllr. JJ Culloty asked that the water-tables and gullies on Woodlawn Road are examined.

**16. Cycling proficiency test.**

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

**That this Council write to the RSA asking them to roll out a cycling proficiency test in conjunction with the Department of Transport and Local Authorities for all National Schools at 6th Class.**

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



Cllr. D Quigg asked that a letter also issue to the Minister for Education & Skills regarding this matter as it has been proven that education on road safety, which could take place in the school playground, is crucial in keeping children safe on the roads. It helps develop their skills, increase their confidence as cyclists and identify the risks they may come across on the roads. They should have to undergo a theory test on relevant sections of the Rules of the Road. Bikes must be roadworthy in order to participate and registered instructors would be reviewed by the RSA every four years. He commended the %ycle to work scheme+but said that a lethal weapon was given to people who had no training on road safety for cyclists.

Cllr. A Thornton SECONDED the motion.

**17. Bonds called in by Kerry County Council.**

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

How many bonds have Kerry County Council called in from banks in the last 4 years and how many have been paid to the Council and how many estates has this money been spent on.

**The following report issued:**

**Since 2011, Kerry County Council has submitted claims for outstanding works in respect of 185 developments from Financial Institutions and Insurance Companies of which payment in respect of 68 bonds has been received, to date, as follows:-**

<b>Year</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Bonds Received</b>	<b>1</b>	<b>17</b>	<b>20</b>	<b>24</b>	<b>6</b>

**In our work programme for 2015, we had targeted to have works carried out in 30 estates this year. To date there are 8 estates where the bond monies have been substantially expended in addressing the outstanding works and works have been progressing with a further 7 estates. Works are scheduled to be carried out in a further 16 estates within the next 6 months.**

**A schedule for the carrying out of outstanding works in the remaining estates will be developed as part of the 2016 works programme, to be considered by Council.**

**In relation to the balance of 117 developments, we are continuing to engage with the relevant institutions in relation to all outstanding bonds to ensure a satisfactory solution in respect of outstanding works in the estates affected. In some cases as an alternative to the payment of the bond amount, the surety provider is considering arranging the execution of**

**the outstanding works based on site resolution plans. In particular the Council has carried out a financial risk assessment and identified a small number of estates where there is significant works outstanding. We have targeted our resources in engaging with the surety providers to have these works urgently addressed.**

Cllr. J Healy Rae referred to the reply and said there are 117 bonds for which payment has not yet been received. He is aware of an estate in Castleisland and another in Kenmare where bonds have not been paid. This is an insult to the Local Authority and the residents of the estates concerned.

Cllr. T Ferris supported Cllr. J Healy Rae's remarks and said that she is concerned about the estates where the bonds have expired.

Mr. C O'Sullivan said that in the Work Programme for 2015, the target was to have works carried out in 30 estates. The bulk of the work would be footpaths in smaller estates. The Roadworks Programme 2015 had to be prioritised. Additional funding was received in August and it was necessary to target resources towards the carrying out of works with that funding.

Mr. O'Sullivan said that there were a number of estates where there were significant issues and the focus at the beginning of the year was on getting these issues resolved. With regard to the estate in Kenmare he said that the bond holder has appointed consultant engineers and a meeting is due to take place between them and Kerry County Council. The Council's Estates Unit is also working towards a resolution with regard to the Writings Estate in Listowel. A considerable amount of work has been carried out in the background and Kerry County Council continues to engage with the relevant institutions in relation to all outstanding bonds to ensure a satisfactory solution in respect of outstanding works in the estates affected.

**18. Unacceptable condition of the Ambulance Centre at Kerry General Hospital.**

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

That this Council seek a deputation with the National Ambulance Service to deal with the unacceptable condition of the ambulance centre at Kerry General Hospital. That this deputation would seek a declaration that a new ambulance centre would be built and that the existing one would not be refurbished. The present centre is not fit for purpose.

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

Cllr. J Finucane said that the condition of the Ambulance Centre at Kerry General Hospital is unacceptable. There is an excellent paramedic team at the centre but the facilities are inadequate.

Cllr. D Quigg **SECONDED** the motion and said that he had raised this matter previously.

Cllr. M Cahill said that this is an excellent motion. He had submitted a notice of motion for the next South & West Kerry MD meeting requesting that an emergency meeting with the Minister for Health be sought, with a view to addressing the many problems pertaining to the Health Service in the county.

### **19. Old Castlemaine Creamery site.**

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

To ask Kerry County Council to write to Kerry Group/Kerry Agri in supporting the people of the Mid-Kerry region in reacquiring the old Castlemaine Creamery site for the opportunity for prospective employers to access the viability of the site for industry/manufacturing/indigenous business opportunity. The central location of this property in Mid Kerry adjacent to the River Maine on the N70 with easy access to rail and air transport and with a considerable hinterland population would be of particular interest and could provide employment in the large rural catchment area.

#### **The following report issued:**

**This issue was raised at the recent South & West Kerry Municipal District Meeting. Following the meeting, we wrote to Kerry Group and the attached response was received. We have sought clarification from Kerry Group on the terms of this offer.**

***"I refer to your correspondence to Mr. McCarthy regarding the resolution which members of the Municipal District of South & West Kerry have asked Kerry Group to consider with regards to options for the development of the old Castlemaine Creamery site.***

***Kerry Group wishes to acknowledge the interest of your members in allowing some time for the Castlemaine community to explore possible options for siting further industry at this location. I can confirm that Kerry Agribusiness will allow a period of time to facilitate the examination of such possible options ahead of offering the site for sale. However, if such development options for the site are not forthcoming, the Group will have no option but to offer the site for sale which hopefully could also provide for future entrepreneurial activity at the site."***

Cllr. M O'Shea asked that this matter would be referred to Kerry Group/Kerry Agribusiness as this site would be very suitable for the location of a business that would provide much needed employment in the area

Cllr. M Cahill supported the motion and said that this site has potential for the provision of employment in Mid Kerry.

**Notice of Motion No. 20 was moved in conjunction with Notice of Motion No. 9.**

**21. No. of vacant Enterprise Units/Industrial Units/Development sites throughout the county.**

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

That Kerry County Council provide a detailed report in regards to the number of vacant Enterprise Units/Industrial Units/Development sites throughout the county and what steps are the Council taking to utilise these properties and what plans are in place to develop additional units.

**The following report issued:**

**The Economic Development Unit is undertaking to establish a list of the “vacant” and “available for use” industrial and commercial properties around the County.**

**The list is comprised of properties and sites which are derived from property market websites, primarily “Daft.ie” IDA listed commercial / industrial sites and Kerry County Council property.**

**We have listed 592 sites which are described as commercial / industrial and prioritised 202 on the basis of condition and size. eg, we are concentrating on property such as commercial units with a floor space greater than ca 2000sq ft and industrial / warehouse space which is in a moderate to good state of repair.**

**The intention is to be able to provide a report on each site, detailing address, ownership, characteristics, capacity, planning, flood, water, roads, estate agents contacts, Kerry County Council contacts. We will also be providing mapping and images. We also intend to develop the inventory using GIS.**

**The proposal is to be able to respond swiftly to enquiries regarding sites and also to develop an understanding of the strengths and weaknesses of our industrial / commercial capacity. This work is currently on going.**

Cllr. M Cahill said that Kerry County Council should endeavour to advertise the availability of vacant industrial and commercial properties in the county.

**22. Details of all consultant firms engaged by Kerry County Council.**

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

To request the full details of all consultant firms engaged by Kerry County Council, the projects they were hired for and the full amounts paid to each firm since January 2014 to September 2015.

**The following report issued:**

**The attached schedule gives the details of the sums paid to Consultants engaged by Kerry County Council on County Council projects and the jobs for which the Consultants were retained for the period 2014. Details of Consultants paid in excess of €5,000 in the period are included.**

**The total cost of consultancy services for 2014 was €1,898,258 amounting to approximately 1.5% of overall expenditure in 2014. Of this sum €1,805,267 (95%) of this sum is recoupable from various Government Departments and State Agencies.**

**Before engaging or hiring any external services or support, the Council's first step in all sections is to review our internal capacity and determine whether or not the project can be delivered in-house. It is only after a decision that the project/service cannot be delivered in-house that the engagement of external assistance or support arises. In the case of Council does not have the diverse range of disciplines needed or the particular expertise necessary for the specific job or where we are instructed to do so in accordance with grant conditions. Generally, they are engaged in connection with major infrastructural projects, such as, new roads, structural design, quantity surveying and, otherwise, where specialist input is required beyond the normal activities of the Council. In most of the major projects, the appointment of Consultants is subject to the approval of the National Grant-Aiding Body. E.U. Public Procurement Directives apply to the major contracts, as well. The National Public Procurement Guidelines apply to the award of all public sector contracts. The policy is that in all cases, both major and otherwise, the fee proposal is agreed in advance of any appointment.**

**As every effort is made to undertake the maximum amount of work from within our own staffing resources, the Council engages Consultants on an exceptional basis only in the circumstances, or as we are instructed to do so, as mentioned earlier. The Council has many examples of work undertaken in recent years previously undertaken by external Consultants (e.g. County Development Plan, Environment Impact Assessments etc).**

**The schedule covers 2014 only. The information for 2015 can be made available to Council early in 2016.**

<b>Supplier</b>	<b>Services</b>	<b>Consultants Expenditure 2014</b>	<b>Consultants 2014 Recoupable</b>	<b>Division</b>
Crime Management Services	Port Security Review	11,114		Piers
Dafydd Davis T/A Trails by Dafydd David	Consultants	10,504	10,504	Recreation and Amenity
Desmond Tax & Corporate Services Ltd	Specialist Tax Advice	12,280		Finance
Halcrow Barry Ltd.	Consulting Engineers	465,101	465,101	Roads
Housing Agency	Architectural & Engineering Services	39,631	39,631	Housing & Building
J & N Security Consultants Ltd	CCTV Security			Development Incentives & Controls
J & N Security Consultants Ltd	Consultants	1,753		
Jacobs Engineering Ireland Ltd	CCTV Security	8,253	8,253	Housing & Building
John Crowley Consulting T/A Chruallaioch Consulting	Consulting Engineers	355,441	355,441	Roads
Malachy Walsh & Partners, Consulting Engineers	Consultants	20,018	20,018	Roads
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	33,945		Piers
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	7,270		Central Management Services
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	5,452		Housing & Building
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	14,994	14,994	Development Incentives & Controls
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	3,075	3,075	Environmental Protection
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	20,885	20,885	Housing & Building
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	11,439	11,439	Recreation and Amenity
Malachy Walsh & Partners, Consulting Engineers	Consulting Engineers	16,131	16,131	Roads
Milestone Pavement (T/A Seamus O Reilly)	Consultants	18,305	18,305	Roads
MRG Malone O'Regan McGillicuddy Cons Engrs Ltd	Consulting Engineers	5,043		Environmental Protection
MRG Malone O'Regan McGillicuddy Cons Engrs Ltd	Consulting Engineers	9,053	9,053	Miscellaneous Services
MRG Malone O'Regan McGillicuddy Cons Engrs Ltd	Consulting Engineers	22,694	22,694	Roads
Pavement Management Servs Ltd	Pavement Testing	12,088	12,088	Roads
R C Kerrynt Limited	Design	10,495	10,495	Recreation and Amenity
Richard Walsh & Associates	Consulting Engineers	16,134		Housing & Building

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Richard Walsh & Associates	Consulting Engineers	8,266	8,266	Housing & Building
RPS Group	Consulting Engineers	45,664	45,664	Recreation and Amenity
RPS MCOS Ltd	Consulting Engineers	105,653	105,653	Roads
Rubicon Heritage Services Ltd	Archaeological Services	17,994	17,994	Roads
Staveley & Partners Consult Eng & Quant Surveyors	Consulting Engineers	483,538	483,538	Roads
Systra Ltd	Survey	56,998	56,998	Recreation and Amenity
Valuation & Agronomy Services Ltd	Valuations	42,343	42,343	Roads
WM Moyles LIMITED TA Zenith Land Surveys	Surveyors	6,704	6,704	Recreation and Amenity
		<b>1,898,258</b>	<b>1,805,267</b>	

Note 1 - Irish Water are responsible for capital water projects from 01/01/2014 and are not reflected in this table.

Note 2 - The fees in relation to Roads Projects relate to specialist technical advice/expertise, including managing contract administration/supervision during construction and the preparation of tender documents for bigger projects.

Cllr. B Cronin acknowledged the detailed reply. He queried the substantial sums of money that are listed under the Roads Division and asked what road projects this work relates to and why Kerry County Council did not carry out the work.

Mr. C O'Sullivan stated the construction of the Tralee By Pass was ongoing over a number of years. It was a Design- Build project and substantial claims had to be addressed. The payments are recoupable from Transport Infrastructure Ireland (TII). All expenditure for specific projects such as bridges is also recoupable from TII. The expenditure listed as Recreation and Amenity refers to Active Travel and Greenways.

## **23. Grants for older persons and people with a disability.**

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

That Kerry County Council allocate a substantial amount of their next housing budget towards grants for older persons and people with a disability.

### **The following report issued:**

**For 2015, the Council received an initial allocation from DOECLG for Housing Adaptation Grants for Older People and People with a Disability Grant Scheme of €1,788,778 of which €357,756 (20%) is to be provided from our own resources. We recently received an additional allocation under the Scheme of €225,000 of which €45,000 is to be provided from our own resources. This has allowed us allocate 465 grants for qualified applicants in accordance with our Priority Scheme. The overall own resource requirement in funding these grants is €400,000 and this is a matter for consideration by the Members as part of the Budget 2016 Adoption Process.**

Cllr. P Connor Scarteen welcomed the allocation of " 1,788,778 and asked how many applications for housing grants were received over the past few years and how many of these remain on a waiting list.

Mr. J Breen said that the grants allocated were based on the funding received and the level of demand. He anticipated that additional funding would be received from the DOECLG this year as was the case in previous years.

## **24. Recruitment of staff in the National Parks and Wildlife Service in Kerry.**

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

As the number of staff in the National Parks and Wildlife Service in Kerry has been reduced by in excess of 30%, that this Council call on the Minister for Arts, Heritage and the Gaeltacht, Heather Humphreys, to begin the process of recruiting staff, as it is impossible for the current workforce to provide the necessary service required.



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

Cllr. JJ Culloty said that one Conservation Ranger is now assigned to a vast area. It is very important that adequate staff are in place as Killarney House will be opening next year. There are eight staff members on Garnish Island which is open only for six months of the year. He said that he does a lot of voluntary work in the National Park and the lack of resources is a huge issue.

Cllr. J Finucane SECONDED the motion.

**25. Request change in rules for a herd with 1-3 reactors that kill out clear in the factory.**

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

To ask the Minister for Agriculture, Food and Marine, Simon Coveney, to change the rules for a herd with 1-3 reactors that kill out clear in the factory. These herds should not be locked up for 120 days as no TB has been found. These herds should be clear after a maximum of 60 days (one clear test) as this is putting severe strain on farmers with minimum housing and minimum food.

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

Cllr. D. McCarthy stated when there 1 . 3 reactors in a herd they must have two consecutive tests within 60 days. If the herd had one clear test that should suffice.

Cllr. S Fitzgerald SECONDED the motion.

Cllr. D Healy Rae also supported the motion.

**26. Properties in the control of NAMA in Kerry.**

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

That this Council request the National Assets Management Authority (NAMA) to give us an inventory of all properties in their control in the County of Kerry.

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

Cllr. M Kennelly said that he wanted to determine what properties come under the ownership of NAMA in the county. The NAMA's website only lists properties they have on their books that are currently for sale by various auctioneers throughout the county. His issue with NAMA is that he wants to identify the entire property portfolio that they currently command unfortunately due to the economic downturn which thankfully we are now out of. The reason he was seeking this information is due to a development of just two houses in North Kerry where a developer commenced the construction of two houses in

accordance with planning permission. The houses were constructed to wall plate level and works came to a standstill. These sites have never been touched since and are an eyesore to the public and most importantly, it is causing flooding problems to the neighbouring sites who own their own properties. With the recent flood pattern that this county has endured these residents are demanding urgent action to be taken by NAMA to resolve these problems. NAMA is a statutory body and should inform people of Kerry publically of all property that they own and what their proposals and intentions are for these properties. He asked the members to support his motion.

Cllr. J Finucane SECONDED the motion.

**27. Ask TII (NRA) to prioritise the proposed link road from Lissivigeen to Castle Lough on the Muckross Road.**

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

That we the members of Kerry County Council ask TII (NRA) to prioritise the proposed link road from Lissivigeen to Castle Lough on the Muckross Road to deal urgently with the traffic case on the Muckross Road. It was formerly proposed as part of the Farranfore to Lissivigeen new Killarney Bypass. As no funding is being made available for the larger scheme, maybe we would have a better chance of getting funding for Lissivigeen to Castle Lough Road on its own.

**The following report issued:**

**The proposed Link Road (which is 3km approx) from Lissyviggeen to Castlelough was originally part of the N22 Farranfore to Killarney Road Improvement Scheme. In 2007, as part of a Peer Review, the National Roads Authority (now TII) recommended that this link be removed from the bigger scheme. In 2012 the bigger scheme was suspended as one of a number of National schemes due to the lack of available funding given the economic downturn.**

**No funding has been available for either the larger scheme or smaller scheme since 2012. The terrain being traversed by the proposed link includes a crossing of the River Flesk and the Tralee- Mallow Railway line. A robust current estimate has not been prepared but is likely to be in excess of €20m.**

**The TII have indicated in recent years that the funding of schemes of this size remains a big challenge given their existing commitments.**

**However, I propose to seek a review of this scheme with the TII at our next Management Advisory Committee meeting.**

Cllr. D Healy Rae asked that the proposed link road from Lissyviggeen to Castlelough be prioritised as the recent issues with regard to the traffic calming works on the N71 Muckross Road may not have arisen if this link road was in place.

Cllr. JJ Culloty supported the motion and said the construction of the link road would be hugely beneficial to the local community.

Cllr. J Healy Rae acknowledged that the Chief Executive would seek a review of this Scheme with the TII at the next Management Advisory Committee meeting and said that the construction of this link road would be a huge advantage to Killarney town.

Cllr. B Cronin said that it is important to ensure that the local residents are given accurate information and he asked for a timeframe for the allocation of funding.

The Chief Executive stated that this Scheme was proposed a considerable number of years ago and was then suspended. It is not currently on any priority list and she undertook to raise the matter with the TII at the next Management Advisory Committee meeting.

#### **15.11.16.12 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. S Fitzgerald, SECONDED by Cllr. J Moloney it was agreed to approve the attendance of Cllr. P. Connor-Scarteen at the Engineers Ireland Excellence Awards which was held in Dublin on Friday 6<sup>th</sup> November, 2015.
- (b) On the PROPOSAL of Cllr. S Fitzgerald SECONDED by Cllr. M Kennelly it was agreed to authorise the attendance of Cllr. N. Moriarty at the Regional Training for LCDs on SICAP to be held in Limerick on Thursday 19<sup>th</sup> November 2015.
- (c) On the PROPOSAL of Cllr. JJ Culloty, SECONDED by Cllr. J Finucane it was agreed to authorise the attendance of Cllrs. D. Nolan, G. Spring, J. Healy-Rae and D. Quigg at the Northern & Western Regional Assembly Conference on the theme ~~New~~ Regions - New Roles . New Responsibilities+to be held in Meadow Court Hotel, Loughrea, Co. Galway on the 20<sup>th</sup> November, 2015.

Cllr. D. Nolan was nominated to report back to Council on this Conference on behalf of all the delegates that attend from Kerry County Council.

- (d) On the PROPOSAL of Cllr. A Thornton, SECONDED by Cllr. J Healy Rae it was agreed to authorise the attendance of Cllrs. N. Kelleher, J.F. Flynn, J. Moloney, M. O'Shea, D. Grady, J.J. Culloty, G. Spring, J. Healy-Rae

and D. Quigg at the Superior Training Seminar on the theme %Local Government Environment Policy - Opportunities for Local Communities+to be held in the Seven Oaks Hotel, Athy Road, Co. Carlow on the 4<sup>th</sup> and 5<sup>th</sup> December 2015.

Cllr. N. Kelleher was nominated to report back to Council on this Seminar on behalf of all the delegates that attend from Kerry County Council.

**(b) 15.11.16.13 Correspondence General**

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

1.	Letter dated 22 <sup>nd</sup> October, 2015 from Minister Paschal Donohue in response to a resolution from Kerry County Council in relation to NRA appeals of planning decisions.
2.	Letter dated 2 <sup>nd</sup> November, 2015 from the HSE in response to a resolution from Kerry County Council in relation to the backlog of people waiting to see specialists.
3.	Letter dated 4 <sup>th</sup> November, 2015 from the HSE in response to a resolution from Kerry County Council in relation to the anti-cervical cancer HPV Gardasil vaccine.
4.	Email dated 4 <sup>th</sup> November, 2015 from Transport Infrastructure Ireland in response to a resolution from Kerry County Council regarding winter maintenance on the N22.
5.	Letter dated 16 <sup>th</sup> October, 2015 from Clare County Council in relation to a resolution adopted by that authority in support of the call for the release of Ibrahim Halawa.
6.	Letter dated 15 <sup>th</sup> October, 2015 from Galway City Council in relation to a resolution adopted by that authority calling for the immediate review of the HAP system.

Cllr. D Healy Rae referred to the reply from Transport Infrastructure Ireland in response to a resolution from Kerry County Council regarding winter maintenance on the N22 and he asked that a letter would issue to Cork County Council calling on them to ensure roads on the Cork side of the County Bounds are adequately treated.

**15.09.21.15 Any other business**

**Parking Charges in car parks in Tralee.**

Cllr. G Spring referred to car parks adjacent to supermarkets/businesses in Tralee and asked if management could be requested to consider reducing

parking charges to encourage and promote business during the Christmas shopping season.

Mr. C O'Sullivan said that a number of car parks in the town such as Garveys and the Brandon car park are in the control of Kerry County Council. The pay and display system is available and is monitored by the Traffic Wardens. The operation of other private car parks rests with management of the business concerned.

Cllr. G Spring asked that management of the businesses would be made aware of this matter and he undertook to forward details to Mr. C O'Sullivan Manager of Tralee MD.

The Meeting concluded at 4.35pm.

**Gerard O'Brien**

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**Meetings Administrator**

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**Cathaoirleach of Kerry County Council**