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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 , 17 FEABHRA, 2014

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 17TH FEBRUARY 2014

PRESENT/I LÁTHAIR

Cllrs/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	S. Counihan
B Cronin	J. J. Culloty	P.J. Donovan
T. Ferris	J. Finucane	S. Fitzgerald
N. Foley	M. Gleeson	M. Griffin
D. Healy-Rae	J. Healy-Rae	P. Leahy
A. McEllistrim	T O'Brien	B O'Connell
P. O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan	G. Wharton Slattery	

IN ATTENDANCE/I LÁTHAIR

Mr. T Curran Co. Manager	Mr. J.D. Flynn, Dir. of Corp. Serv.
Mr. J. Breen Dir. Hsg. & C&E	Mr. G. MacNamara, A/Dir. of Roads
Mr. O. Ring, Dir. Env. & Water Serv.	Mr. M. McMahon, Dir. of Planning
Mr. C O'Sullivan, DoS L.A. Procur. Off.	Ms. A McAllen A/Head of Finance
Mr. M. Hession, Chief Fire Officer	Mr. J. Kennelly, A/SE Water Services
Ms. D. Sullivan, Sen. Exec. Arch.	Mr. L. Quinlan, SEO Housing
Mr. G. O'Brien, Meetings Admin.	Ms. J. Brosnan, A.O Housing
Mr. P. Corkery, Press & Comm. Off.	Mr. P. McCarthy, S.O. Fire Service
Ms. B. Reidy, SSO Corp. Affairs	Ms. O. O'Shea C.O. Corp Affairs.
Ms. C Fitzgerald A.S.O. Corp. Affairs	

The meeting commenced at 10.35am.

The Mayor Cllr. S. Fitzgerald took the Chair.

14.02.17.01 Mayor's Report on the CPG Meeting held on the 11th February 2014

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

“Agenda for the February Council Meeting”

Mr. G. O'Brien, Meetings Administrator, briefed members on the Agenda for the February Council Meeting. Mr. O'Brien reminded members that a Mayoral Reception would be held on Monday next for the Royal College of Surgeons in Ireland at 1.30pm. Tralee IT are also hosting a Reception and Dinner at 4pm and members will be invited to that also.

Item 2 Training and Development Programme for Councillors 2014

Mr. G. O'Brien informed members that he received a few suggestions from councillors which are included in the Draft 2014 Training and Development Programme for Councillors. This includes the Building Control (Amendment) Regulations 2014 and Michael Hession, Chief Fire Officer will brief members on these Regulations at next Monday's meeting. As the Town Councils will be abolished Cllr. Gleeson requested that members would be briefed on (a) The new responsibilities/powers that will devolve to Councillors in the newly constituted Municipal area (b) The relationship between the County and the Municipal Areas vis-à-vis funding etc. (c) The precise powers attaching to Councillors and those that are the preserve of the CEO. These have been included in the Programme.

Cllr. Counihan said a lot of representations are being made to the Minister in relation to the Partnership Companies. The changes facing these companies are very serious and he asked if the Council should wait before making any changes until it is clear what impact these changes will have on employment. If the local authority proceeds with the changes there is an acceptance of the new structures.

Cllr. Connor-Scarteen requested that members would be provided with an update on the Partnerships and if necessary the Department should be requested to provide this information.

Mr. McMahon said the local authority is obliged to have regard to legislation and Government guidelines. This legislation is already passed by the Oireachtas. The LCDC will be a committee of Council but in many respects will be independent of the Council and it will regulate the partnerships. A recent Circular was received on LCDC's which was circulated to members of the CPG that morning. A copy of this Circular is included in Correspondence General for the February meeting.

Cllr. Gleeson asked if the Partnership Companies will be retained and will they be funded by the Council.

Mr. McMahon said the LCDC is scheduled to be established by 1st July and the programme of work will be put out to tender. It will be up to the partnerships to tender for this work. He pointed out that local community development committees are represented on the partnerships and from an ethics point of view it could be complicated. The Circular sets out the new procedures and advised local authorities to commence the process to establish the LCDC.

Mr. O'Brien pointed out that the timeframe set out in the Circular for the establishment of the LCDC is very tight and local authorities are expected to have the LCDC in operation prior to the Local Elections.

Mr. McMahon informed members that the lifetime of the LCDC is not the same as the Council. Normally representation on a committee i.e. an SPC falls when a Local Election is held but that is not the case with the LCDC.

Cllr. Healy-Rae asked what will be the composition of the LCDC.

Mr. G. O'Brien advised members that the composition of the membership of the LCDC's is set out in No. 6 in the Circular.

Cllr. Counihan expressed concern if the partnerships were not successful in the tendering process they would not be able to pay staff.

Mr. McMahon again stated the legislation is passed and local authorities must comply with it. An Order was signed recently establishing the Municipal Districts.

Membership of the LCDC is limited to a maximum of 15 which will be made up as follows:

- Elected members (3)
- Local authority Chief Executive or nominee (1),
- State agency (3),
- Private sector interests (8), including
 - Partnership companies,
 - Community and voluntary interests,
 - Social inclusion interests,
 - Other civil society interests, including business/employer interests,
 - farming and agriculture interests, trade union interests, environmental interests, and local development or community development bodies.

The Chief Officer, following consultation with the elected members (i.e. the Corporate Policy Group), will be responsible for seeking nominees to the LCDC from the relevant sectoral interests.

Cllr. McCarthy referred to the possible conflict of interest in the tendering process but pointed out if there will be up to 15 members on the LCDC the state agencies and private partnerships will only make up a small percentage of the membership. He hoped it would not affect the process unduly. If the partnerships have tendered for the work they will have to excuse themselves when the tenders are being considered.

Mr. McMahon informed members that it is anticipated Regulations and Guidelines will issue in March.

Cllr. Healy-Rae asked what the function of the LCDC is.

Mr. J.D. Flynn said a two phase plan must be put in place. The LCDC is responsible for the social responsibility element of the Plan while the local authority is responsible for the economic element of the Plan. They are then put together to form one Plan. The LCDC will be responsible for the implementation plan. It is unclear at present who will approve projects for funding. It is also unclear if the partnerships will have to produce a plan for approval by the LCDC. Normally committees finish on the day of retirement of a Council but that is not the case with the LCDC.

Cllr. Connor-Scarteen said there is a lot of concern in the community in relation to the membership of the LCDC but this Circular clarifies that and the breakdown of the membership is reasonable.

The Manager said the timelines for the establishment of the LCDC are unrealistic. If the new Board will have to manage contracts it is unclear what staff will be required. The Council must prepare an economic plan while the Board prepares a social plan but in his opinion they would have to be prepared together. He undertook to update members as information is received from the Department.

Cllr. McCarthy asked that an official from the Department of Environment would be invited to a Council meeting to brief members on this process.

The Manager said we could submit this request but it is unlikely they would agree to it.

Item 3 Update on National/Regional Issues

(a) Road Grant Allocations 2014

Mr. G. MacNamara said even though it is proposed to have a special Roads Meeting, the CPG should be informed of our roads grants as Kerry County Council has now received the details.

Regional and Local Roads Grants are down €1m on last years allocation. The Discretionary Grant is up €600,000. The Restoration Maintenance Grant for surface dressing is down €611,000. Our Restoration Improvement Grant for road construction is down €315,000.

Even though the Specific Improvement Grant is suspended, the commitment to complete the Kenmare Eastern Relief Road was honoured with an allocation of €640,000.

The National Roads Allocation for National Primary and Secondary Roads is down from €22m to €9.64m. However this is primarily due to a €13m allocation for Tralee Bypass in the previous year. Kerry has received funding for 5 pavement overlays on the N70, 1 on the N71 and 1 on the N72. This allocation of work is well in excess of most other counties.

Maintenance allocation on National Roads is down by €65,000 and Secondary Roads is down by €122,000.

The lack of funding will have an effect on our Roads, as well as the impact that the current weather is having on them.

Item 4 County Development Board

Mr. J. Breen briefed the meeting on the CDB as follows:

UPDATE ON ALIGNMENT

We received a document from the Community section of DOECLG on Wednesday last entitled "Establishment of Local Community Development Committees". This document sets out the proposals in the Local Government Act 2014 regarding the dissolution of the City and County Development boards and their replacement by Local Community Development Committees. The document covers the following items:

- Local Government Reform Act 2014
- Key actions and Milestones for Local Authorities
- Local Economic and Community Plans
- Administrative Support for LCDCs
- Membership of LCDCs
- Implementation arrangements for Local Development Programmes
- Procurement matters
- Rural Development programme (LEADER)
- Dissolution of City/County Development Boards
- Frontrunner LCDC Process
- Role of Pobal

Consultation on RDP/LEADER

The DOECLG are presently undertaking a round of consultation on the future direction of the new LEADER and Rural Development Programmes and their content. They are focussing on Enterprise support and job creation and on the areas of local development. The community and enterprise department has inputted to this process using the opportunity to again highlight the ongoing problems of broadband non availability in our county which is a cornerstone of good economic planning.

TEAGSC Comparative Maps

Teagasc researchers have recently published quite useful mapping data which tracks changes in lifestyle, education attainment, employment and commuting patterns countrywide over the past 15 years. It will be an invaluable tool in developing our community and economic plan as required by the new Local Government Act.

COUNTY DEVELOPMENT PLAN PUBLIC CONSULTATION

The community and enterprise Department have been actively involved in the preparation of the public community meetings on the county development plan which kick off at our offices at Library Place, Killorglin from 7.30 – 9.30 that night. These public meetings will take place through out the county until the 11th March and we hope that our involvement in mobilising the public through our various community networks will result in more informed contributions to the plan for our county.

PUBLIC PARTICIPATION FRAMEWORK

The new Local Government Act 2014 sets out a statutory direction for the establishment of a structured community consultation and involvement policy known as a Framework for Public Participation. Section 46 of the Act gives direction for the preparation and adoption of a document entitled a Framework for Public Participation. This will build upon the work we have undertaken to date in the development of a community engagement strategy.

Item 5 Update from Chairs of SPCs

Cllr. McCarthy informed members that the next Planning SPC will meeting will be held on Wednesday 19th February.

Cllr. Connor-Scarteen stated the Transport SPC will meet following the Special Roads Meeting.

Cllr. Counihan said the Housing SPC will meet at the end of March.

Mr. T. Sheehy said the next meeting of the Environment & Water Services SPC would be on the 20th February.

Item 6 Any other business

Abolition of the Town Councils

Cllr. Counihan said in view of the fact that Town Councils are being abolished and as a lead into the new structures he would like to see continuation in Killarney. He was aware that the position of Town Clerk and Town Engineer would be abolished but they have built up a rapport with the people of the town and he asked that they would be allowed to remain for a number of years.

Funding for repairs following flooding

Cllr. Healy-Rae asked when work will commence on the areas badly damaged by flooding.

Mr. G. MacNamara said we spent the own resources element of our budget on cleaning up. A programme totalling €21m was submitted to the Department for the cost of repairs following the storms and flooding. A programme will also be submitted to the OPW. He understood the Government were meeting that day to discuss funding and he hoped to receive notification of funding in the next few days. However he said he would be cautious about undertaking any work until this notification is received.

Retention of the PSO for Kerry Airport

The Mayor said the 4 Mayors in Kerry met with the management in Kerry Airport recently and they are seeking support from Kerry County Council for the retention of the PSO. There are 50 full time and 50 part time jobs at Kerry Airport and it is important the PSO is retained.

The CPG recommended that Council would pass a resolution in support of the retention of the PSO and that Minister Varadkar would be requested to meet with a deputation from Kerry County Council to discuss this very important issue for Kerry.

North Kerry Landfill

The Manager said at the Budget Meeting he indicated that the remaining capacity at the landfill would be retained for our own use. He also gave a commitment that the Transfer Stations would be retained. There is not as much capacity at the landfill as was originally estimated therefore it is intended to divert waste from the landfill to KWD. Waste from Killarney will now be disposed of at the KWD facility. This will result in a saving and will not have an impact on customers. Instead of closing the landfill in Q4 it will now probably close in Q3.

Cllr. McCarthy asked if the landfill closes will the Civic Amenity Site remain open.

The Manager said it would not because there are Civic Amenity Sites in Tralee.

Cllr. McCarthy asked that the Council would continue to provide funding to the host committee for a short period after the landfill closes. While the landfill may close there could still be an issue with birds and flies.

The Manager said the landfill will be covered.

Mr. Sheehy pointed out that the licence only requires the Council to make the payment when the landfill is accepting waste. He could not see an amenity issue arising when the landfill closes as it will be covered and provision is made to deal with any nuisance.”

The Mayor PROPOSED that a letter would issue to the Department of Environment, Community and Local Government requesting that an official would attend a meeting of Kerry County Council to brief members on the Local Community Development Committee. He also PROPOSED that a request would be sent to the Minister for Transport to meet with a deputation from the Council in relation to the PSO and Kerry Airport.

Cllr. J. Finucane SECONDED these proposals and they were unanimously agreed.

Cllr. M. Cahill said the PSO is critical for Kerry Airport and indeed the county. He referred to the waste collection service provided by KWD and said he received a number of complaints from residents of Iveragh Park in relation to the increase in the cost of the service since it was sold by the Council. He acknowledged that the service has been privatised but he called on management to contact KWD to make a special case for the residents of Iveragh Park.

The Mayor informed the meeting that Mr. P. Corkery had circulated an update from the ESB.

Cllr. J. Healy Rae expressed disappointment that the Minister introduced LCDC's as he believed this would result in a delay in getting projects underway. It will result in additional layers in the system which could cost jobs and money. He added that the Transfer Stations service all of South Kerry and they are closed since the storm. He asked when they would re-open.

Cllr. D. Healy Rae expressed disappointment at the reduction of almost €1m in the Restoration Improvement Grant and said there is no funding for local/tertiary roads. People are wondering why they are being asked to pay road tax when the roads are not being maintained. He asked that the Minister would be informed of member's dissatisfaction in this regard.

Cllr. B. Cronin said it is important to get clarity on the powers of the new Municipal Districts. He asked if the four Municipal Districts would be responsible for setting their own Budgets and will councillors have a role in this. He referred to the North Kerry landfill and said a decision was taken to divert all waste to the KWD facility at Knockacurreen. He asked if the entire service is now being privatised and what volume of waste is involved. He asked if KWD have the relevant permit to accept this additional waste. In light of the fact that additional heavy goods vehicles would be travelling this road are the residents guaranteed the road will be maintained. He asked that all broadband operators would be requested to send a representative to a full Council meeting to explain the lack of service in the county. This would afford members an opportunity to highlight the problems in their areas and to establish what needs to be done to get a decent service.

Cllr. J. Brassil asked if the landfill is closed will it not be more expensive to divert the waste to the KWD facility.

Mr. O. Ring, Director of Environment and Water Services undertook to raise the issue of the cost of the refuse service for residents of Iveragh Park with KWD. It was anticipated that waste would have to be diverted to KWD and a report was presented to members at the November meeting. It is not intended to develop another cell at the North Kerry landfill. A tender was advertised for the disposal of waste from Transfer Stations. The best income from the landfill is from public and certain commercial customers. Costs will reduce by diverting Killarney waste to KWD. The number of loads on the roads will be very limited probably a few per fortnight. This is the best option available at present.

Cllr. T. Ferris pointed out that Killarney Town Council is still responsible for the collection of waste in Killarney.

Mr. Ring confirmed that is the case and said this change will not impact on the customer.

Cllr. Ferris asked if there is any plan to privatise the waste collection service in Killarney.

Mr. Ring said this would be reviewed. It would be very challenging to meet the requirements in relation to biodegradable waste and there are no plans to make any changes to the Transfer Stations.

Cllr. Ferris said it is possible that what was a viable service in Killarney is now being reviewed.

Mr. Ring said it went to tender.

Cllr. Ferris said she received phone calls from residents in Killorgan and an old-age pensioner lost a waiver.

Mr. Ring said a new policy document is being considered to review waste management policy and the issue of affordability is a major one, however, it is a matter of national policy how that will be dealt with.

Cllr. B. Cronin asked if Killarney waste has already been diverted to the KWD facility.

Cllr. J. Brassil asked what Kerry County Council charged the last year they operated the refuse service.

Mr. Ring said he was not sure but he would check it and revert to members. How biodegradable waste must be treated is a major issue and Killarney waste is a matter for Killarney Town Council. If the refuse has not already been diverted to KWD it will be shortly.

Cllr. Gleeson said Killarney Town Council, during the course of the Budget Meeting, decided that this was the best option.

Cllr. Cronin said Mr Ring indicated this was a matter for Killarney Town Council but the decision appears to have been made by Kerry County Council. He asked has the diversion of waste already commenced.

Mr Ring said in the past Killarney Town Council used the landfill and the decision to divert waste from Killarney was made following negotiations with the County Council.

Mr. J. Breen, Killarney Town Manager said this is an operational matter for Killarney Town Council.

Cllr. Cronin said he understood waste from Killarney is now being disposed of at the KWD facility.

The Manager said Kerry County Council has a landfill with limited capacity. In a report to Council last November, it was stated that the remaining capacity will be retained for waste from the Transfer Stations. Instead of Killarney's waste going to the Transfer Station it will now be disposed of at the KWD facility. This will allow more space for members of the public at the landfill. Killarney Town Council will save money as there will be less haulage costs. If this has not already commenced it will shortly.

Cllr. S. Counihan said when Killarney Town Council agreed the Budget in relation to waste management there was no discussion about diverting waste to KWD. He asked if Killarney Town Council is already depositing waste at the KWD facility. Killarney Town Council said they would like to see all areas having the service they have in Killarney town.

In response to queries in relation to the Municipal Districts Mr. J.D. Flynn said there would be some elements of the Budget related to the Municipal Districts but this would be within the framework of the overall Budget. Certain functions will be performed by the Municipal Districts i.e. By-Laws and paid parking. However we are awaiting guidelines and regulations from the Department.

Cllr. Ferris again referred to the contract with KWD and asked what is involved in it and how long will it last.

Mr. Ring said he was not certain but he thought it was till the end of 2014.

Cllr. Counihan referred to the Circular on the LCDC's and requested clarification on the following: "A Chief Officer (and supporting staff) will be assigned by the Chief Executive to assist the LCDC and carry out, manage and control generally the administration of the business of the LCDC".

Mr J.D. Flynn said if the LCDC need backup in doing research work, the Chief Officer must assign a person to carry out those duties.

Cllr. Counihan expressed concern that this would result in work presently done by the Partnerships being taken over by the local authority. He is an employee of a Partnership and he asked who will pay redundancy to these people if they no longer have work. He asked if the Council is satisfied they will not create displacement in these areas.

In response Mr J.D. Flynn said the legislation requires the Chief Officer to provide staff to the LCDC to do research etc immediately upon formation of the LCDC.

Cllr. Counihan again said this would make staff presently employed by the Partnerships redundant.

Mr. J.D. Flynn said the Partnerships still have the task of doing the work and they will be agents of the LCDC.

14.02.17.02 Confirmation of the Minutes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. O'Connell it was agreed that the Minutes of the Special Planning Meeting of Kerry County Council held on the 2nd December, 2013 be confirmed.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Finucane it was agreed that the Minutes of the Special Planning Meeting of Kerry County Council held on the 9th December, 2013 be confirmed.
- (c) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J.J. Culloty it was agreed that the Minutes of the Special Planning Meeting of Kerry County Council held on the 6th January, 2014, be confirmed.
- (d) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Finucane it was agreed that the Minutes of the Special Planning Meeting of Kerry County Council held on the 13th January, 2014, be confirmed.
- (e) Cllr. T. Ferris referred to Notice of Motion No. 11 on Page 29 in the January Minutes and said at the January meeting she expressed her disagreement with the landscape value given to landscapes in North Kerry in the Landscape Character Assessment and this was not recorded in the Minutes. She asked that the Minutes would be amended accordingly.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin it was agreed that the Minutes of the January Ordinary Meeting of Kerry County Council held on the 20th January, 2014, be confirmed.

14.02.17.03 Disposal of Land

- (a) Mr. J. Breen referred member to his report dated 3 February, 2014 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Healy-Rae it was agreed to approve the disposal of a plot of land measuring 0.532 acres approximately in total, situated in the townland of Farranreagh in the DED of Valencia to the beneficiary of the estate of the late James O'Connor, Farranreagh, Valentia, Co. Kerry in accordance with the terms of notice issued 3rd February, 2014 pursuant to Section 183 of the Local Government Act 2001; Section 211 of the Planning and Development Act, 2000 and Article 206 of the Planning and Development Regulations, 2001.

- (b) Mr. G. MacNamara referred members to report dated 5th February, 2014 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. T. Buckley it was agreed to approve the disposal of a plot of land comprising 0.090 Ha (0.222 Acres) in area, situated in the townland of Cloonnafinneela in the DED of Kilflynn to (*Names and address withheld for data protection purposes. A paper copy of the unedited Minutes is available on request*). in accordance with the terms of notice issued on the 5th February, 2014 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations 2001.

14.02.17.04 Report in accordance with Section 179(3) of the Planning & Development Act 2000, Part VIII of the Planning & Development Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006

Mr. G. MacNamara referred members to his report dated 10th February, 2014 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. T. Ferris it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the Tralee Northern Relief Road: the proposed works will consist of approximately 1200m of single carriageway from its commencement at the R556 - Tralee/Abbeydorney Road to its termination and tie in with Forge Cross Roundabout. The main features of the proposed works are a 10m wide single carriageway, a newly constructed roundabout at the R556/L6507 junction, 2 no. 3.0m footway/cycleways, 2 no. grass strips 1m in width, ancillary services and all other ancillary and accommodation works.

14.02.17.05 Update on damage caused by storms/flooding in the county

Mr. G. MacNamara, D/Director of Roads read the following report into the record of the meeting:

"1.0 Background

The County has been battered by storms of varying intensity since mid-December.

The initial storms were experienced over the Christmas holiday period with the highest wind speeds occurring on St. Stephen's Day and night. Damage consisted of fallen trees, flying slates and isolated flooding events. As in the normal way, County Council and Town Council crews, including the Fire Services, attended to these incidences. Staff reported for work on their days off and clean-up was carried out before New Years Eve.

1.1. Weather Forecasts

Since the beginning of the year Met Éireann has initiated a new weather warning system based on colour coding to alert the general public of impending inclement weather.

Status yellow warning advises people to **Be Aware**;

Status orange warning advises people to **Be Prepared**;

Status red warning advises people to **Take Action**.

These alerts are transmitted on the airways prior to expected events.

Kerry County Council has also separately advertised of impending storm events on local Radio, Twitter and Facebook.

In excess of 20 weather warnings or weather advisories have been received to date since the start of the year.

On the 5th of January the following weather warning code level orange was issued by Met Éireann - "gusts of 80 or 90 km/hr, winds will strengthen tonight giving gusts of 100 to 120 km/hr. The danger of coastal flooding continues, due to the combination of gale force winds, high tides and very high seas. Thundery downpours may lead to local spot flooding".

On the weekend of the 4th, 5th and 6th of January the County was hit with a massive storm with gusts up to 120km/hr, high sea swells in the order of 12 m and high tides. The intensity of the storm and the damage inflicted by the storm took the public and the forecasters by surprise. The direction of the storm affected some areas worse than other areas.

1.2 Kerry Coastline

Before I refer to the extent of damage that occurred around the county it is worth remembering that there are 684 km of coastline in Kerry of which 306 km can be designated as hard coastline with the remaining 378 km being soft and more susceptible to erosion. The soft coastline can be further broken down as follows; 98 km of dunes, 207 km of glacial cliffs, 26 km of marine wetlands and 47 km are estuarine.

This shows how vulnerable our coast line is.

Coastal erosion is a dynamic natural process involving the wearing away of land and the deposition of material in other locations. This process usually occurs slowly over time but its rate can be accelerated at certain locations. An example of this is the spit at Rossbeigh, where the tip of the spit has been eroded and breached by the tide in recent years.

However records show that Rossbeigh spit was not in existence when this area was mapped in the early 1600s. The 400 odd years taken to develop the Rossbeigh spit is miniscule in a geological timeframe. This also shows the changing force of nature.

The mechanisms at play in erosion and accretion, which is the deposition of material, can be very complex and must be understood to ensure appropriate management regimes are put in place.

2.0 Damage Report and funding requests for Office of Public Works (OPW) and Department of Environment, Community & Local Government (DoECLG)

Kerry County Council was requested by the Local Government Management Agency (LGMA) on the 6th of January to submit an estimate of the damage that had occurred in the storms of the previous weeks by the 8th of January for a meeting of the National Co-Ordination Group on Severe Weather. A very preliminary estimate was prepared with a costing of €3.55m for roads and coastal repairs, and €16.25m for Coastal Protection.

2.1 Office of Public Works (OPW)

On the 16th of January the Council received correspondence from the OPW seeking applications for funding to assist local authorities in the repair of damaged built coastal flood defence assets. Applications would be considered for schemes costing not more than €500,000, and funding up to 90% of the cost was available for eligible works.

This scheme related solely to the repair of built flood defences and coastal protection structures, that is re-instatement to their pre-storm condition. The minimum of 10% matching funding that this Council has to put up for any approved works, will undoubtedly put a financial strain on an already limited budget.

Even though the OPW stated it was prepared, as a once off measure and in order to streamline the process as much as possible, to consider a more simplified set of criteria, it is still looking for the following with each application;

- a) a damage report for each structure including pre and post storm photographs;
- b) full detailed costings;
- c) application made on a specially modified questionnaire and
- d) all applications should identify clearly a prioritised list of the repair work to be undertaken, with the Council focusing on the most urgent or top priority works based on the Council's assessment of the risks.

This return is due by the 21st of February and the Council is currently working on it.

2.2 Department of Environment, Community & Local Government (DoECLG)

Kerry County Council was contacted by the Department of Environment, Community and Local Government on the 21st January to prepare detailed costings relating to the clean-up costs, emergency repair and future works resulting from the series of storms from the 13th December up to the 31st of January. The Department requested that this be submitted by the 3rd of February. Attached is the document that was submitted to the Department, and it covers 66 locations around the county. The damage for each area is listed and repairs are costed under heading such as Roads, Tourism Infrastructure, Piers and Harbours and Coastal Protection as well as the amount of expenditure that Kerry County Council had incurred up to the 31st of January in clean-up and emergency repairs.

On the cover sheet at page 1 you will see that the Department was advised that damage had been experienced at numerous locations as a result of subsequent storms around the county and that an estimate for further repairs would be submitted.

The total estimated cost of the clean-up of damage, the emergency repair work and future works required arising from the storms up to the 31st of January is €21.079 m.

The amount spent by Kerry County Council on cleanup, emergence repairs and responding to storm conditions up to the 31st of January was €253,000.

I am of the opinion that the County would have suffered a worse fate had not this Council and its staff carried out various works on Coastal Protection over previous years.

3.0 Further Storms and Damage

On the 30th January a Code Level Orange warning was received, indicating that an "Atlantic storm depression was tracking northwest of the country late on Friday night and on Saturday, with winds gusting 100 to 130 km/hr. High coastal flood risk was expected due to a combination of very high spring tides, extreme high waves greater than 10m, low pressure and onshore winds.

This weather event caused further damage to areas that were previously damaged, most notably Rossbeigh, Cromane, White Strand Road, Cooscrome and Banna. Some clean-up works that had already been done at areas like Rossbeigh and Banna were wiped out.

Other areas that had not experienced much damage previously were now further damaged. Also, because of this expected storm, clean-up works were curtailed so that scarce resources would not be further wasted.

The Roads Engineers are currently assessing this damage to allow a further submission to the Department.

At different times over the past month various locations suffered flooding or came near to being flooded. Most notably of these were Ballylongford, Cromane, Garrane, Castleisland, Kilmoley, Incheree, Blennerville, Killorglin and Fenit Island.

Local Authority Staff, including Fire Service and Civil Defence personnel attended to a lot of these incidents. The reports that I have received, have been fulsome in their praise for the efforts and work done by all the staff over the past weeks.

Anybody that has experienced flooding of their property and home has suffered a terrible ordeal and our hearts go out to them. There are some flooding events that cannot ever be stopped. However there are numerous proprietary products available on the market that can be installed or kept in reserve by home owners that will help greatly in the event of a flood.

4.0 Issues relating to Kerry County Council responsibility

There has been a fair amount of discussion lately about responsibility for certain elements of infrastructure, primarily flood embankments. Kerry County Council is not responsible nor was it ever responsible for the maintenance or repair of old Land Commission embankments.

The Irish Land Commission (or simply Land Commission) was created in 1881 as a rent fixing commission by the Land Law (Ireland) Act 1881, also known as the second Irish Land Act. For a century it was the body responsible for re-distributing farmland in Ireland. The Land Commission was dissolved by the Irish Land Commission (Dissolution) Act, 1992. As part of undertakings it was responsible for putting in place significant infrastructure on flood protection such as embankments, sluices etc. The Department of Agriculture, as successor to the former Irish Land Commission, has indicated that it does not have responsibility for the cleansing, maintenance, repair or restoration of embankments, or other works to prevent flooding. According to the Department of Agriculture, Food and the Marine responsibility for these works normally rests with the property owner.

Section 10 of the Land Act, 1965 removes any obligation by the Department to cleanse, maintain, repair or restore such works. Arising from the acquisition of a small number of estates, the former Irish Land Commission retained a portion of the purchase money for the ongoing maintenance and upkeep of embankments and sluices but only on these particular estates. These retained funds were entrusted to the Public Trustee, who is now an officer of Department of Agriculture, Food and the Marine. The Public Trustee has responsibility for the investment of these funds and the income earned may be applied for the specific purposes described in the trust deed for the estates in question. In the context of an ongoing or perpetual trust, it is established practice that the capital sum should not be used for general repairs except in exceptional circumstances.

Under various drainage Acts between 1842 and 1928 a large number of isolated rural drainage schemes were executed throughout the country. These are referred to as Drainage Districts. Many of these Drainage Districts were subsumed into the catchment schemes carried out by the OPW since 1945. There are, however, approximately 170 Drainage Districts within catchments in the country which were not incorporated in the drainage schemes carried out under the 1945 Arterial Drainage Act.

The extent of our responsibility under this act has always been for the operation and maintenance of three Drainage Districts within the County, namely Lough Gill, Arkeragh and Banna.

The Council provides the cost for these out of our own resources and in the 2014 adopted budget there is a figure of €78,000 accounted for. This Council does not have the resources to take any other responsibilities on board.

5.0 Events since the 31st of January

In the intervening period between the 3rd to the 11th of February the county was hit by a series of storms of varying intensity, but as tides had dropped and atmospheric pressure was reasonably normal, no great damage was experienced. However it rained on most days. It is interesting to note that in Tralee we got about 420mm of rain since the beginning of the year, which is about 70% more than normal. This rainfall will invariably cause damage to our road network and put a financial strain on our maintenance budget.

On the 5th February the Council received correspondence from the Department of Environment, Community and Local Government advising that an initial allocation of €15m had been established for emergency and humanitarian purposes arising out of the flooding nationally. Access to this fund is through the Department of Social Protection and through local Welfare Officers.

On the 12th of February Met Éireann issued a Code Level Red warning stating that **“stormy conditions will affect Cork and Kerry, winds will increase 75 to 85 km/hr and will gust 130 to 160 km/hr, there will be high seas also”**. This forecast was valid from 0600 to 1500 hrs.

It is fair to say that the severity of this storm, named Darwin, which lasted about 2 hours at its peak, took the public by surprise. Never before was there so much damage caused to private property around the county or country resulting from one storm event. Roofs were damaged, trucks were overturned, and trees were felled all around the county. Roads were blocked and power and communication lines were pulled down. It is a wonder that no person was killed or seriously injured in the country as a result of this storm. The staff of all the Local Authorities worked tirelessly on Wednesday to minimise the disruption caused and reopen roads wherever possible. Work continued on the following days to clear the trees and debris.

Severe damage was caused to Ballyseedy Wood and such is the extent of the damage in the area, a decision has been made to close the wood to the public until it is deemed safe to reopen it. We have also received reports of trees been felled in The Town Park and the Noviciate Wood in Tralee, the Town Park and river walk in Listowel, as well as damage being caused to the Listowel Millennium Arch. I understand that there has been widespread damage to trees in the National Park, Killarney also. Whereas all the felled timber will provide firing to people, it is a terrible pity that some very mature and noble trees have come down.

At the time of writing, the Council has not been informed of the extent of funding to be received from Central Government, even though it has been announced that a fund of €70m has been made available nationally. The breakdown of this is as follows; €16m for Roads; €20m for Coastal Protection; €26m for Communities, Amenities, and L.A. infrastructure and Piers and Harbours, with €8m for other works including O.P.W. It is our understanding that this funding will be shared out primarily between the Atlantic Coastal counties.

6.0 Staff

The weather experienced over the past two months has proven that we can never become complacent about it. However it shows again that the Local Authority staff responds and performs excellently in emergencies and times of extreme difficulty. They really have the good of the community and the county at heart. The Council and the general public should be eternally grateful to them for that. The Area Engineers will be evaluating the storm damage experienced from the 1st of February onward to allow us submit another submission for essential emergency funding. The work of clean-up will continue and we hope that further funding will become available in the near future.”

Mr. G. O'Brien said a number of Motions relate to this topic and they would be taken with this item. Nos. 13 and 23 relate to flooding at Kilmoyley Graveyard and they would be taken first.

13. Flooding in Kilmoyley graveyard.

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

For Kerry County Council to alleviate flooding in Kilmoyley graveyard.

23. Carrying out of urgent works at the Graveyard in Kilmoyley

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

That Kerry County Council carry out urgent works at the Graveyard in Kilmoyley to resolve the ongoing flooding issue and liaise with bodies such as the OPW to develop a long term and permanent solution to the issue in the area.

The following report issued:

The general area in the vicinity of the Kilmoyley church and cemetery is prone to flooding, particularly after prolonged heavy rainfall in Winter, when the water table is high. The local graveyard committee, in conjunction with the Council, did carry out some drainage works in the cemetery in 2008, but with limited success.

The laying of a 2.3km long and 300mm diameter pipe, at an estimated cost of €100,000, northwards through farmland to an existing open drain near the site of the old Bawnmore Creamery, would alleviate the flooding in the church / graveyard area. However, there is no funding for this project in the 2014 Budget and no other source of funding has been identified.

Cllr. A. McEllistrim expressed her disappointment with the reply and said there was a very well attended public meeting on this issue in Kilmoyley recently. People are very distressed and they do not want coffins immersed in water. Recently a grave had to be pumped out as the funeral arrived. Something must be done and the surrounding area is also badly flooded.

Cllr. T. Ferris said the flooding in Kilmoyley is causing huge distress and there was no reply to the second part of her motion. There is a need for arterial drainage works in Kilmoyley and she commended the Fire Brigade for their work in Kilmoyley. Permission was granted for houses in this area and they are now being flooded. The Council must get involved in developing a long term solution. She asked that a commitment would be sought from the OPW that they would fund the necessary works. The local people will facilitate the works and she asked if the figure of €100,000 could be reduced and could councillors use their Councillors Allocations over a number of years to do this work. This is a very active community and we must assist them.

Mr. O'Brien said Notice of Motion No. 20 would then be taken.

20. Detailed breakdown of all applications for grant aid arising from the recent high tide/storm damage

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

That Kerry County Council give a detailed breakdown in respect of all applications for grant aid arising from the recent high tide/storm damage around the county. What is the total amount of funding applied for? Has Kerry County Council applied for funding to protect homes, businesses and properties that have been flooded or are at risk of being flooded? Will the Council clarify once and for all what Department is responsible for the maintenance/repairs to the old Land Commission embankments in the county? Will the Council give a detailed break down of how much the high tide/storm damage has cost in the county to date and how much has been spent on the clean up at each location?

The following report issued:

A report is being presented to the Council Meeting where the detailed breakdown of the application for funding will be outlined. The total amount applied for up to Friday 31st January is €21,079,320. The Department was advised at that time that further claims would be submitted as forecasts indicated more storms were expected, where additional damage could occur. The majority of the funding requirement is for the repair of damage and the protection of public property. Some locations where private property has been damaged is also included.

Kerry County Council is not responsible nor was it ever responsible for the maintenance or repair of old Land Commission embankments. The Irish Land Commission (or simply Land Commission) was created in 1881 as a rent fixing commission by the Land Law (Ireland) Act 1881, also known as the second Irish Land Act. For a century it was the body responsible for re-distributing farmland in Ireland. The Land Commission was dissolved by the Irish Land Commission (Dissolution) Act, 1992. As part of undertakings it was responsible for putting in place significant infrastructure on flood protection – embankments, sluices etc. The Department of Agriculture, as successor to the former Irish Land Commission, has indicated that it does not have responsibility for the cleansing, maintenance, repair or restoration of embankments, or other works to prevent flooding. According to Department of Agriculture, Food and the Marine responsibility for these works normally rests with the property owner. Section 10 of the Land Act, 1965 removes any obligation by the Department to cleanse, maintain, repair or restore such works. Arising from the acquisition of a small number of estates, the former Irish Land Commission retained a portion of the purchase money for the ongoing maintenance and upkeep of embankments and sluices but only on these particular estates. These retained funds were entrusted to the Public Trustee, who is now an officer of DAFM. The Public

Trustee has responsibility for the investment of these funds and the income earned may be applied for the specific purposes described in the trust deed for the estates in question. In the context of an ongoing or perpetual trust, it is established practice that the capital sum should not be used for general repairs except in exceptional circumstances.

Under various drainage Acts between 1842 and 1928 a large number of isolated rural drainage schemes were executed throughout the country. These are referred to as Drainage Districts. Many of these Drainage Districts were subsumed into the catchment schemes carried out by the OPW since 1945. There are, however, approximately 170 Drainage Districts within catchments which were not incorporated in the drainage schemes carried out under the 1945 Arterial Drainage Act. The extent of our responsibility under this act has always been for the operation and maintenance of three Drainage Districts within the County, namely Lough Gill, Akeragh and Banna. The Council provides the cost for these out of our own resources and in the 2014 adopted budget there is a figure of €78,000 accounted for. This Council does not have the resources to take any other responsibilities on board.

Up to the 31st January Kerry County Council has spent €253,000 on clean up and carrying out minor repairs as a result of the recent storms.

Cllr. M. Cahill requested detailed costings for each area. He thanked the Council staff for their tremendous work during and after the recent storms. Council staff worked under very difficult conditions the previous Wednesday and it is fair to say that everything would have come to a halt but for the work of the Council and this must be acknowledged. He also acknowledged the tremendous work done by the ESB and Eircom since the storms. He extended his sympathy to the family of the man killed while erecting an Eircom pole the previous week. In the past he asked that a specific SPC would be established to deal with coastal erosion and piers and harbours and he asked when the new Council is elected that this would be considered. He welcomed the coverage being given to flooding and erosion and he hoped it would now be given the priority it deserves. This issue has been ignored by successive governments for years and there was no co-operation between the OPW and this local authority. When various government Ministers are interviewed they say the local authority must apply for funding. Minister Brian Hayes recently visited the county and visited a number of locations but he understood he did not meet with Council officials. He expressed concern for people who have not been able to return to their homes since the 3rd January. He was consistently told by the Council that public infrastructure is their priority and that includes access to beaches etc. When the Minister was in the county recently he said the opposite and advised that the Council should apply for funding. The Minister said there would be a 24 hour turnaround on applications. In 2007 there was a meeting in relation to the embankments which do not appear on people's Folios but it has never been clarified who is responsible for them. He

knew an elderly lady in Incharee who paid a contribution to the Land Commission for the maintenance of the embankment. People deserve to know the truth and he sought clarity on this issue since he was first co-opted to the Council. Those involved in the tourism sector are very anxious to ensure beaches are open for the tourism season. Many beaches were wrecked by the recent storms and the experts say the storms will continue.

Cllr. P.J. Donovan then moved Notice of Motion No. 25.

25. Funding to repair the damage to the promenade in Waterville and the beach in Kells.

Pursuant to notice duly given Cllr. P.J. Donovan PROPOSED:

That Kerry County Council make funding available as soon as possible to repair the damage done to the promenade in Waterville and the Beach in Kells.

The following report issued:

These 2 locations have been included with 66 other locations county wide in our submission for funding made to the Department of Environment, Community and Local Government on the 3rd February. At the time of writing Kerry County Council has not been informed of any funding being received.

Cllr. P.J. Donovan welcomed the report and said the local community cleaned up Waterville after the storm. If funding is provided for the material the local people are prepared to do the work. A wall is needed at White Strand and the local people are prepared to build it if the materials are provided.

Cllr. D. Healy Rae said the recent storm was the worst experienced for at least 30 years. He thanked the staff of the Roads Department who were out in inclement weather, trying to keep roads open. Many homes are without electricity. He called on the Government to provide funding to carry out repairs following the recent storm. It is important that facilities such as beaches etc are repaired in advance of the tourism season. Cllr Healy Rae referred to roadside trees and said something must be done about them. While he acknowledged landowners have responsibility for them he said they do not have the capacity to deal with traffic management. He called on Management to put a strategy in place to facilitate landowners who wish to remove dangerous roadside trees. In conclusion Cllr. Healy-Rae said there is ongoing flooding at Foiladown and the road is in danger of being washed away by the River Flesk. He asked that this issue would be addressed as a matter of urgency.

Cllr. J. Healy Rae said the estimate submitted for repairs following the recent storm appears low. He expressed his disappointment with the Minister that funding has not been allocated to-date. In Tuosist and Lauragh there are a number of big trees which are a danger to the school bus. He asked that the landowners would be requested to cut them and if they do not comply the Council should cut them and recover the cost from the landowners. Much of the Eircom infrastructure is outdated and there was no investment in it for the past number of years. 540 staff were made redundant at Christmas and some households are without a phone service since Christmas. He requested a meeting with Eircom to establish how they intend to address this problem. He pointed out that many small businesses depend on a landline and as a result, they cannot operate their business.

Cllr. R. Beasley said two weeks ago Minister Brian Hayes visited the county but funding has not yet been allocated to carry out repairs following the recent storm. The Cashen was drained in the 1950s and unless the river is dredged from Ballyhorgan to the Cashen land and homes will continue to be flooded. Unless the Government is prepared to invest sufficient money in coastal protection the coastline will be washed away. Successive Governments have failed to fund coastal protection. There are roads in Ballybunion that are in danger of collapse as a result of coastal erosion.

Cllr. M. Gleeson said he wanted to put on record his sincere thanks to the Fire Service, Eircom, and the ESB who worked tirelessly during and after the recent storm. He walked the National Park, the previous day and the number of trees knocked by the storm is alarming. He commended the general public for the care of both themselves and their neighbours during the storm. No one was hurt and we must be very thankful for this. He moved a Notice of Motion at the November meeting in relation to roadside trees and he proposed that no tree would be permitted on the roadside, which would grow higher than 4m. At that time he mentioned trees on the Port Road in Killarney and some of them were knocked by the storm. As trees age they suffer from disease and fall. They need to be inspected and felled as required. Cllr. Gleeson said he regularly travels the roads around Killarney picking up litter and he noticed that many gullies are blocked. He acknowledged that there is a shortage of staff but said as a result of the blocked gullies water is flowing onto roads. Excellent work was carried out on the gully system at Pike Hill, Killarney but the mouth of the gully is now blocked. He suggested that mesh wire could be placed one metre back from the gully to hold rubbish and this would prevent the gully from getting blocked. Some of his neighbours are badly affected as a result of water coming from houses that are on elevated sites and it is time to ensure that this will not happen again. Even though a Red Alert was in place recently articulated trucks were still on the road and that should not happen. In the past he has spoken of the importance of protecting floodplains and people who built on floodplains were flooded.

31. Change in policy concerning the building of houses in low lying sites.

Pursuant to notice duly given Cllrs. B. Cronin & P. Leahy PROPOSED:

To ask that the Planning Department recognise the risks posed from recent serious flash flooding and the effects of global warming and change it's policy of insisting that people should build their homes in very low lying and potentially vulnerable sites.

The following report issued:

Kerry County Council and the Planning Department have always recognised the risks associated with development in flood risk areas and have on many occasions refused planning applications based on this risk. Recent flood risk studies and maps prepared by the OPW have greatly facilitated the planning assessment process along with increased public awareness of the danger of flooding.

The integration of a proposed development into the landscape has always been the planning requirement rather than the elevation of the site and this will continue to be the requirement. The Rural House Design Guidelines - Building a House in Rural Kerry, as developed by the Planning Department of Kerry County Council, give clear guidelines to Developers on the integration of a house into the rural landscape.

Cllr. B. Cronin said the reply did not address his motion. He was referring to the general policy adopted by the Planning Department in assessing a landholding. If there are a few dry acres that are elevated the Planning Department will not agree to the siting of a house there and would rather the house be built down in hole. He knew a person who wanted to raise their house by one block but the Planning Department refused to allow this and the house was subsequently flooded. He asked who is responsible in these circumstances. He met a young man in Faha recently who applied to build a house on a dry site yet the Planning Department want to move the house to a very low lying site and he would not agree with this. Cllr. Cronin placed on record his gratitude to Council staff who kept roads open in dreadful conditions recently. He also expressed his gratitude to the staff of the ESB who worked long hours in dreadful conditions. He also acknowledged the work of the Gardai and the Fire Service during the recent storm. Members debated the issue of large trees recently and in reality this must be addressed. He PROPOSED that the Council through the Roads Department or the Roads and Transportation SPC would meet with farming organisations and agree how to progress this important issue safely. Kerry County Council would have to facilitate the closure of roads to allow dangerous trees to be felled. On the road from Killarney to Firies there is forestry where a number of trees were removed. However, some of the remaining trees are dangerous as they are being held up by other trees. He asked that these would be removed.

Cllr. P. Leahy said an applicant knows his land holding well and it is wrong to prevent him/her from raising the floor level of a house by one or two blocks as this could prevent flooding in the future. He commended Council staff who worked long hours in dreadful conditions recently. He also commended the staff of Eircom and the ESB. Cllr. Leahy said the Council must adopt a policy to impose height restrictions on roadside trees.

10. Clean ups of all the sand dune areas affected by the recent storms

Pursuant to notice duly given Cllr. J Brassil PROPOSED:

That Kerry County Council would organise large scale clean ups of all the sand dune areas affected by the recent storms. This is an addition to the Spring Clean operation, as much of the rubbish is large scale and needs the assistance of machinery to be removed.

The following report issued:

It is accepted that the nature of some of the material deposited on the beaches during the recent storms is beyond the scope of what is normally collected by the communities during the annual clean-up and will require additional assistance.

In view of the ongoing weather conditions and the forecast for further stormy weather, it would be prudent to postpone any major clean ups of the beaches throughout the county until more settled weather is established. The situation will be evaluated at that stage and the resources required for the clean ups can be determined and funding identified.

Cllr. J. Brassil accepted the reply but said the nature and extent of the material deposited is beyond the scope of the community. The clean up of Ballyheigue beach and sand dunes will commence the following Saturday and they would liaise with the Environment Department to get plastic bags, pickers etc. However a substantial amount of debris was washed into the sand dunes and it will require machinery to remove it. It is 8 weeks since the first storm and no indication of the funding to be allocated for the clean up has been received. The storm wall was knocked in Ballyheigue and this protected the houses nearby. He asked that the provision of a storm wall along the entire beach front would be costed. Given the likelihood that this weather pattern is likely to continue it is desirable that a wall would be provided all along the beach front. A sum of €80,000 is provided annually for Arkeragh yet the Ballyheigue road was flooded since Christmas. This is unacceptable and he asked that consideration would be given to proposals that would deal with this issue on a more permanent basis. He suggested that permanent pumps could be installed to keep the water pumped out. As a result of the road being flooded traffic was diverted over the Line Road and this is now disintegrating. He asked that this road would be repaired immediately.

Cllr. Brassil said considerable damage was also done to the sand dunes in Ballyheigue and he asked that an estimate would be prepared for the cost of repairing them. Minister Hayes gave him a personal undertaking that if an application for funding was submitted it would be turned round in 24 hours. When he met the Minister he suggested that material from Arkeragh could be transferred to replace the sand washed away from the dunes in Ballyheigue. However the NPWS said they had to consider this suggestion as the dunes are in a Special Area of Conservation and we are still awaiting their response. He asked that contact would be made urgently with the NPWS to get permission to move the material from Arkeragh to repair the breach in the sand dunes in Ballyheigue. He asked that warning signs would be provided advising the public not to walk close to the damaged sand dunes and not to allow children on the dunes as they are extremely dangerous.

Cllr. Brassil then referred to the flooding in Kilmoyley and to the €100,000 estimate for the works necessary to alleviate this problem. Kerry County Council has a responsibility to the people of this area as we granted permission for the housing estate which is now flooded. He understood a Bond could be drawn down to carry out some of the works. Councillors should be allowed as use their Councillors Allocation for this work also. There is a need for a combined effort between the Council and the local community to resolve this problem. If the material is made available to the local community they are willing to carry out the work. He requested that Councillors would be given permission to use Councillors Allocations for this purpose. These weather events will probably be a common occurrence into the future therefore, a long-term plan is required to ensure we are not fire fighting with each event. In conclusion Cllr. Brassil asked when notification of emergency funding is received from Government that details of the allocation would be circulated to Councillors.

Cllr. N. Foley said she wished to be associated with the words of appreciation to the staff of the Fire Service, the ESB, and Eircom and said their work was nothing short of heroic. When a red alert weather warning is given it is not appropriate for educational facilities to be open and she said, our strategy in relation to this alert needs to be revised. Minister Hayes and the Government clearly stated that money would be forthcoming for repair work following the recent storm, but an allocation has not yet been notified. Councillors from the Tralee Electoral Area met the Minister last week with the Fenit community the previous week in relation to damage to the area. Repair work is being hampered by lack of funding. The community at Kilmoyley is very proactive and they will make manpower and machinery available to carry out the works necessary to alleviate the significant flooding in this area. She asked is it possible for the Council to make the materials available to the local community.

7. Provision of a financial contribution towards the cost of purchasing flood relief barriers.

Pursuant to notice duly given Cllr. L Purtill PROPOSED:

The flooding in Ballylongford a few weeks ago caused a lot of damage to 22 homes. The home owners suffered both emotionally and financially. I would ask that Kerry County Council would make a financial contribution towards the cost of purchasing flood relief barriers for those houses that were badly affected and will continue to suffer flood damage in the future. These barriers are very effective and range in price from €300- €500 each. I would appeal for a contribution towards the cost of these barriers.

The following report issued:

The cost of these particular flood barriers, which have been proven to be effective in protecting property in certain instances, is small in comparison to the loss experienced by the people of Ballylongford, who live in an area that has historically flooded over the years. However Kerry County Council does not have resources to provide such humanitarian aid to victims of flooding. The Council has been advised by the Department of Environment, Community and Local Government on the 5th February that an immediate initial allocation of €15m has been provided for emergency purposes. Access to this funding is through the Department of Social Protection and by contact with local Community Welfare Officers. It is suggested that the affected residents of Ballylongford should follow this avenue of support.

Cllr. L. Purtill asked what is the estimate submitted to the Department to relieve flooding in Ballylongford. Large sand bags are required to be placed on the riverbank in preparation for the next flooding event. He asked that the people of Ballylongford would be assisted in dealing with the devastation to their homes. The Minister indicated that they would get favourable consideration. The provision of floodgates would not be too expensive and he asked that measures would be carried out as soon as possible to address this issue once and for all.

Cllr. S. Counihan said a few weeks ago he moved a Notice of Motion at an Area Meeting in relation to the dangers from roadside trees. At that time he was informed Failte Ireland is responsible for some roadside trees on the Ballydowney road. He added that they are an accident waiting to happen. There are also dangerous trees on the Kenmare Road and the NPWS is responsible for them as they are in the National Park. An audit of all trees adjoining public roads should be carried out and where dangerous trees are identified, they should be removed. Cllr. Counihan asked who is responsible for trees on private property as he understood it is the property owner. This legislation needs to be changed. He referred to local community groups carrying out cleanup operations following the storm and he asked what the position in relation to insurance is.

When planners are assessing applications they must take climate change into account. The damage caused by recent storms impacts on many Government Departments and there needs to be a co-ordinated plan in each area that takes account of health and safety. The amount of surface water on roads is very dangerous and he asked that this would be addressed. A co-ordinated plan should be compiled and submitted to Government for funding.

Cllr. T. Ferris extended a vote of sympathy to the family of the late Mr O’Riordan, who died when he was hit by a falling Eircom pole. Everyone owes a huge debt of gratitude to the ESB staff, who worked long hours in dreadful conditions since the storm. Cllr. Ferris expressed concern at the sum of €44,000 included in Mr. MacNamara’s report for Fenit Beach and said that €11,000 is totally inadequate for emergency coastal protection works.

Mr. MacNamara said this estimate relates to damage done by the storms up to the 31st January only. The Department will be informed of the damage from subsequent storms.

Cllr. Ferris said another high tide is predicted for early March. When the Minister was in the county recently he indicated that if a plan was submitted to his Department that day he would bring it to Cabinet the following day and funding for the sandbank could be allocated. There was a breach in the sandbank in Fenit and if it is not repaired the houses in Tawlaught will be flooded. The local community are willing to help but they are seeking the goodwill of this local authority. The Department is seeking a lot of information before they allocate funding. If the small breach is not repaired in Fenit it will result in a huge area being compromised. She called on the Council to work with local councillors to see what can be done to prevent this. The concept of community contribution by way of labour is accepted in the Community Involvement Scheme. She was sure that the community contribution could be 10%. She again emphasised the urgency of repairing the sand bank at Fenit. In Banna a lot of sand dunes were compromised on the side away from the sea and a survey of all the sand dunes needs to be carried out to establish what works are required.

8. Serious flooding problem in Castleisland Town

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

To ask Kerry County Council, the OPW and the Department of Environment to deal with the serious flooding problem in Castleisland Town.

The following report issued:

In 2013, Kerry County Council Water Services and Roads & Transportation Departments carried out works to improve the flow into the existing Slugaire opposite Kilbannivane Graveyard. This work improved the rate at which local flood waters receded from the area.

Further drainage works are planned within Kilbannivane Graveyard which will also flow into the Slugaire which will also improve the rate at which flood waters recede from the graveyard.

However, none of the works either carried out or proposed by Kerry County Council are sufficient to address the underlying flooding problem in the area and this will require more comprehensive flood prevention measures to be carried out by the OPW.

Cllr. D. Healy-Rae welcomed the report but said this is not the solution to all flooding problems in Castleisland. The works outlined should alleviate the flooding at the graveyard; however the residents in Tullig were flooded six weeks ago. At that time he contacted the OPW to alert them to the situation where part of the the Glounsharoon River flows into Cragg Cave and then flows into the Kilbannivane River. This results in flooding in Kilbannivane, Tullig and the Black Road. The OPW indicated that they had no plans to carry out further works in this area however; he believed additional work is required. He believed the problem is higher up the hill than Kilbannivane. One lady phoned the Fire Service and the Call Centre said the County Council were dealing with it. Only for the Fire Service her house would have been flooded. A lot of work is required to resolve the flooding issues in Castleisland. The Black Road was also flooded and children in the Community College were marooned and had to be taken out of the school by the Fire Service. There is also a need to address the adequacy of the underground culvert crossing the road adjacent to Walsh's Garage in Tullig.

Cllr. J. Healy-Rae SECONDED the motion.

Cllr. P. Connor Scarteen thanked Council staff, the ESB, Eircom and local communities for their work following the recent storm. He asked if it would be possible for the Council to assist private landowners to remove dangerous trees from their land as it would cost in the region of €40,000 to hire a professional tree surgeon.

Mr McNamara said any time contractors carrying out work on private land they expect the Council to manage the traffic.

Cllr. Connor Scarteen said Cuss Strand, Waterville and Abbey Island were badly damaged by the recent storm and he asked that repair work would be carried out as soon as possible.

Cllr. J. Finucane concurred with the views expressed by Cllr. Ferris in relation to Fenit. He was concerned that the high tide forecast for 5th March would do further damage. If preliminary work was carried out at this location it would safeguard a large area. He reminded members that Kerry has 20% of the Wild Atlantic Way and the tourist season starts on 17th March. Substantial funding is required to prepare the county for the forthcoming tourism season. When there was snow and ice on the roads the local farmers' network was used to grit local roads and the involvement of the local community would also be of benefit in this instance. Minister Hayes visited the County recently and saw the damage caused by recent storms. He understood funding would be allocated that week.

Cllr. J.J. Culloty said it is difficult to establish who is responsible for streams, is it the OPW or Kerry County Council. A house was flooded on the Brosna Road and if minor works were carried out it would alleviate this problem.

Cllr. M. O'Shea referred to Notice of Motion No. 12 and commended the Fire Service and the outdoor Council workers for their tremendous work, in particular on Wednesday morning last. He also commended the ESB and Eircom workers. Serious damage was done in Castlegregory, Killorglin and Lower Cromane. He asked who is responsible for the embankments and he said as he had not read the reply to his motion he would defer it till later in the meeting.

14.02.17.06 Audit Committee's Annual Report for 2013

Cllr. T. O'Brien said the Audit Committee has an independent role in the provision of assurance to the Council and this includes oversight responsibilities for the consideration of the adequacy and effectiveness of the internal control systems, control environment and control procedures, financial reporting, monitoring compliance with governance procedures within the Council, reviewing the effectiveness of Internal Audit Unit and providing advice and professional guidance in relation to the development of the Unit.

This sixth annual Audit Committee report outlines the progress made in 2013 across all areas of the committee's functions.

The very significant reform agenda underway including the amalgamation of town and county councils coupled with the continuing uncertainty and challenges within the business and operating environment at local and national level underlines the importance of good leadership, good governance and effective control systems across all public service organisations including local authorities.

Having reviewed and discussed the documentation presented to the Audit Committee, deliberated on the findings and recommendations of various reports, held meetings with the Local Government Auditor, considered presentation from senior management and having made enquiries of management and staff, the Committee considers the governance arrangements, management control systems and the audit process is afforded a high priority and that the level of engagement with the Committee has been both purposeful and effective in 2013.

In conclusion Cllr. O'Brien said the Audit Committee undertakes a huge volume of work and it would be appropriate that the next Council would nominate young upcoming members to it.

14.02.17.07 Draft Training and Development Programme for Councillors 2014

Mr. G. O'Brien referred members to the Draft Training and Development Programme for Councillors 2014 which was circulated. He briefed them on the Programme.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. J. Finucane it was unanimously agreed to adopt the Training and Development Programme for Councillors 2014.

Cllr. Finucane requested if members want to undertake professional courses that they would be allowed to use their conference allocation to do so.

14.02.17.08 Draft Traveller Accommodation Programme 2014 – 2018

(a) County Manager's Report on submissions/observations received on the Draft Traveller Accommodation Programme 2014 – 2018

Mr. J. Breen, Director of Housing referred members to report dated 10th February, 2014 on this item which was circulated. The number of Traveller families living in County Kerry is 360. The number of Traveller families in the county needing accommodation at present is 111. Taking into account the age profile of existing Travellers and the anticipated rate of new family formation, it is anticipated that an additional 49 families will require accommodation. Overall, therefore, it is estimated that a total of 160 families will require accommodation during the course of the Programme.

It is estimated that 20 of these families will have their short term accommodation needs met, pending the determination of their long term housing need, by utilising Private Rented Accommodation with rent allowance. For the remaining 140 families requiring permanent long term accommodation, the Traveller Accommodation Programme sets out targets to meet this need – it is proposed that the housing need of 35 families will be met through the allocation of halting site bays, the housing need of 80 families will be met through the provision of RAS/Housing Assistance Payment/Leasing arrangements, and 25 families will have their housing need met through direct provision of Local Authority / Voluntary housing. The targets set out in the Programme assume that 28 families will require accommodation annually.

Mr. Breen complimented the Chairperson of the Traveller Accommodation Consultative Committee, Cllr. M. O’Gorman and the members of the Committee for their commitment. Mr. Breen said it is not intended to provide transient halting sites and it is a matter for festival organisers to provide these facilities. There are no plans to provide new halting sites as the general preference among Travellers is for standard housing. Mr. Breen thanked Ms. J. Brosnan for her work with this Committee.

(b) Adoption of the Draft Traveller Accommodation Programme 2014 - 2018

Cllr. J. Finucane PROPOSED that the Draft Traveller Accommodation Programme 2014 – 2018 for County Kerry be adopted in accordance with Section 12 of the Housing (Traveller Accommodation) Act 1998.

Cllr. J.J. Culloty SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Brassil, Buckley, Cahill, Counihan, Cronin, Culloty, Donovan, Ferris, Finucane, Foley, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, O’Shea, Purtill, Sheahan, Wharton-Slattery and Fitzgerald **(20)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the proposal CARRIED.

14.02.17.09 Declaring a road to be a public road

Mr. G. MacNamara referred members to his report dated 3rd February, 2014 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. D. Healy-Rae it was unanimously agreed to make an Order declaring the Local Access Road adjacent to Lough Guitane at Shronaboy, Glenflesk, Co. Kerry (roadway from its junction with the L3015 and terminating 770m to the south) in the Townland of Shronaboy in the Electoral Area of Killarney to be a public road pursuant to Section 11(2)(i) of the Roads Act, 1993.

14.02.17.10 Date for a Special Meeting to consider the 2014 Road Works Programme

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J.J. Culloty it was agreed to hold a Special Meeting of Kerry County Council to consider the 2014 Road Works Programme on Monday 3rd March, 2014 at 11.00am in the Manor West Hotel.

14.02.17.11 Presentation by Mr. Michael Hession, Chief Fire Officer on the Building Control (Amendment) Regulations 2014

Mr. M. Hession, Chief Fire Officer informed the meeting that the Building Control (Amendment) Regulations 2014 are the Government's response to the very serious issues with building standards. The regulations will come into effect on the 1st March 2014 together with a new online Building Control Management System (BCMS). The commencement and completion of every eligible building project must be registered online on the BCMS. Registering the commencement online will require pre-registration online of all the key parties, i.e.

- The Owner,
- The Designer,
- The Assigned Person and
- The Builder,

all of whom will then confirm their nomination or appointment. There will be a mandatory inspection regime throughout the construction phase and it must be certified that the design and the executed works comply with the Building Regulations. A commencement notice must now be accompanied by a full set of drawings and the submission will be validated by the relevant Building Control Authority before it is registered on the BCMS. There is a similar validation process at completion stage before satisfactory, compliant completion of the project is registered on the system. Until completion is registered, the subject building or works cannot be opened, occupied or used. There is a new online BCMS which is generally similar to the online Motor Tax system. These are Public Registers, managed on the BCMS but belonging to the relevant Building Control Authorities who are required to have them.

At Building Commencement (where this is on after 1 March) the following information must be recorded online:

- What is being built
- Who is having it built
- Who designed it
- Who is building it

and at Completion the same details must be registered for finished buildings and with their 'certificate of compliance on completion'. At commencement the building owner will:

- (1) have appointed the Designer
- (2) have appointed an Assigned Person (Assigned Certifier) to co-ordinate the work of designer and builder so that the works comply with Building Regulations
- (3) have appointed the Builder.

The Designer must:

- Prepare and lodge the Drawings and Documents demonstrating the design's compliance with the Building Regulations and
- Sign the Certificate of Compliance (Design)

The Designer will co-ordinate all design input, as necessary, to enable the Assigned Person to establish compliance through the co-ordinated work of Designer and Builder in their respective roles.

The Assigned Person will:

- Oversee the construction phase through an inspections programme ensuring ongoing Compliance through to completion
- Certify that the works or building as completed comply with the Building Regulations and
- Certify to the effect that he/she relies on the ancillary Certificate(s) supplied through the Builder attesting (for their part) to compliance with the Building Regulations

The Builder will:

- Provide for lodgement of Certification (for their part) that their workmanship undertaken and materials supplied are in compliance with the Building Regulations.
- Undertake to document all matters to the Assigned Person that attest to the ongoing compliance with Building Regulations during the Works sufficient to enable the necessary Completion Certificate to be assembled.

In summary a significant upgrade in the amount and quality of submitted information in support of Compliance will now be available. The parties will have to explicitly certify the compliance of their work with Regulation. The Assigned Person will have a duty to oversee compliance. The Building Control Authority will apply the regime, developed to support such enforcement of compliance, as they judge appropriate. All these are significant changes intended to build a Compliance Culture. No Certificate of Completion will issue without all aspects of the work being correct.

All members welcomed Mr. Hession's presentation.

Cllr. D. Healy-Rae expressed concern that the new Regulations will entail additional costs and the public and builders will have to be advised what is involved. This is one of the biggest changes that has ever been implemented for the building industry. It is a complicated process and he was aware of a case where a lady built her house in accordance with her permission and when the house was inspected she was informed the bathroom was not wheelchair accessible. There needs to be co-ordination and co-operation between Planning Control and the Building Control Unit.

Cllr. J. Healy-Rae acknowledged the importance of safety but said this will be a serious cost factor for all developments. He was concerned the additional cost would mean some developments would not be viable.

Cllr. J. Brassil said he was not sure people realise the significance of this legislation. The commencement date is 1st March and the Commencement Notice is a significant statement. The cost of building will increase as a result and he asked if the Council has adequate staff capable of dealing with it. He asked who will pay Kerry County Council for the increased work load and how much will be added to the cost of buildings as a result.

Cllr. J. Finucane said everyone is aware of the disastrous situation at Priory Hall where the State had to intervene. The onus will now be on the client to be very careful when they appoint an Agent. The new Regulations are about taking responsibility for the work you do. Agents charge a substantial fee and at least now the client will have guarantees. Cllr. Finucane asked that Seminars would be hosted in two or three locations in the county to advise people on these new Regulations. He welcomed the new Regulations.

Cllr. M. Cahill said this is a very significant change and compliance is critical. He asked if an advertising campaign will be undertaken in the media to advise the public, agents and builders of the new Regulations. This would result in a significant increase in the cost of new homes.

Cllr. J.J. Culloty said as he is involved in the building industry he is acutely aware of the need to ensure buildings are properly constructed. The implementation of these Regulations will add a considerable cost to any house/development. However as the Regulations have now been passed we have no choice but to accept them and he added since the downturn many of the 'cowboys' have gone and standards have improved. However these Regulations are extreme. In conclusion Cllr. Culloty asked what will be the cost of a Commencement Notice.

Cllr. M. O'Shea asked if anyone has put a figure on the additional cost arising from these Regulations, will it be 10%. He pointed out that not every building was a Priory Hall and many buildings were very well constructed. He asked if the new Regulations are too much all at once and said if it will add 15% to the cost of a building it is too expensive. This will have massive implications for young people who want to build a home.

Mr. Hession said there will be public communications to raise awareness of the new Regulations. The Regulations were only dated 15th January and there is a very brief lead in time. The key stakeholders i.e. agents and builders are well aware of the implications of the Regulations and it will involve significant change for them. A technician will not longer have a role and it must be a registered or chartered engineer, building surveyor or architect who signs off on compliance. The fee for a Commencement Notice is €30. The Commencement Notice must be submitted by the owner of the works and he/she certifies the appointment of the Designer, the Assigned Person and the Builder. The new Regulations are based on accountability and a key person is assigned responsibility for each specific certification. There is a full inspection programme to be completed during construction. Mr. Hession confirmed that Seminars can be arranged and he again stated that the key stakeholders are familiar with the implications of the new Regulations.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.45pm.

14.02.17.12 Report on the operations and activities of IRD Duhallow

It was unanimously agreed to note Cllr. S. Counihan's written report on the operations and activities of IRD Duhallow.

14.02.17.13 Summary of proceedings at Conferences/Seminars

- (a) It was unanimously agreed to note Cllr. P. O'Donoghue's written report on the Training Seminar on the theme 'Developing and Supporting Enterprises Locally' held on the 10th & 11th January, 2014, which was circulated.

- (b) It was unanimously agreed to note Cllr. R. Beasley's written report on the Seminar on the theme 'The Building Control (Amendment) Regulations 2013' held from 10th to 12th January, 2014, which was circulated.
- (c) It was unanimously agreed to note Cllr. T Buckley's written report on the Training Seminar on the theme 'The Councillor and Irish Water (Water Services Bill No. 2, 2013)' held from 17th to 19th January, 2014, which was circulated.
- (d) It was unanimously agreed to note Cllr. J Brassil's written report on the Training Seminar on the theme 'Domestic Water Charges – Preparations and Practicalities' held from the 24th to 26th January, 2014, which was circulated.
- (e) It was unanimously agreed to note Cllr. P. Leahy's written report on the LAMA Spring Seminar 2014 held from 31st January to 1st February, 2014 which was circulated.

14.02.17.14 Reception of Deputations

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. G. Wharton Slattery it was agreed that a deputation from the residents of the Cashen and Kilmore concerning flooding in the area would be received at the next Listowel Electoral Area Meeting.
- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Finucane it was agreed that a deputation from Kilmoyley Graveyard Association concerning ongoing flooding in the graveyard would be received at the next Listowel Electoral Area Meeting.

14.02.17.15 Opening of Tenders

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for Energy Efficiency Retrofitting of Social Houses on behalf of all local authorities – Closing date: Friday 28th February, 2014 at 3pm.

14.02.17.16 Notices of Motion

1. Treatment of stroke victims at Kerry General Hospital

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

That the Council calls on the HSE to make available to Kerry General Hospital the finance necessary for the provision of a designated area within a ward for the treatment of stroke victims and for the appointment of a permanent consultant neurologist.

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

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

“Some ten years ago at the Irish Medical Organisation's Annual Conference in Killarney Dr. Ronan Collins branded the provision of Stroke services in Ireland as a national disgrace. At that time Tallaght was the only hospital with acute Stroke facilities compared with 90% of British hospitals. At that time hundreds were dying unnecessarily because of the lack of proper facilities particularly Thrombolytic therapy.

Many of you colleagues will recall that I frequently had Motions calling for the provision of a full Stroke Treatment unit in Kerry General Hospital. I did so and emphasised the urgent need for the unit because with a Stroke speedy treatment is of the very essence. The first 3 hours are the vital time frame. I am very pleased to report that substantial progress has been made in the matter of a Stroke Unit for Kerry General.

I wrote to the Hospital on the 17th of October and received a reply dated November 27th. It may have taken 6 weeks but at least there was a response and it contained overall good news. The present situation is that there is a Stoke treatment facility in Kerry General with the availability of Thrombolysis under the clinical governance of a consultant geriatrician. At present however these services are provided across a number of wards. It is hoped that a designated area within one ward will be provided but the finance necessary is not available. In order to maximise the service such a provision is very desirable and should be vigorously pursued by our representatives on the HSE South. Also the Stroke patients have the support of a visiting consultant neurologist. Maybe there is a need for such expertise to be available full time.”

Cllr. B. Cronin SECONDED the motion and said he raised this issue at a HSE Forum meeting and asked that a specific Ward or section of Ward would be provided for stroke victims. He undertook to raise this matter again at the HSE Forum.

Cllr. R. Beasley also supported the motion.

2. Appointment of a Paediatric Urologist to Temple Street Hospital

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

To call on the Minister for Health on behalf of the Kerry Spina Bifida patients to immediately appoint a Paediatric Urologist to Temple Street hospital. Since spina bifida care was transferred there in 2009, there has been no Paediatric Urologist attached to Temple Street and as Kidney failure has been the most common cause of death for people with spina bifida the basic regular monitoring and tests which should be done i.e.: Blood Tests for Kidney Function; Renal Ultrasound: DMSA Scan: Bladder Function Assessment are not being done, clearly putting spina bifida patients lives at risk.

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

Cllr. B. Cronin said Spina Bifida is a relatively common condition that affects 1 in every 1,000 born per year in Ireland. Kidney failure has been the most common cause of death for people with Spina Bifida – which in reality is the way it is going to go for the members of Kerry Spina Bifida and Hydrocephalus Association. The Government has been told this on numerous occasions over the past five years and the reason is as follows:

Kidney failure (death) can easily be prevented IF the kidneys are being monitored properly, **which does not exist for children born with Spina Bifidia since 2009** (the period when the Spina Bifida Care was being transferred to Temple Street from Crumlin Children's Hospital).

There has bee NO Paediatric Urologist attached to Temple Street for the past five years, so all of the tests that should be done on a regular basis i.e.

- Blood Tests for Kidney Function
- Renal Ultrasound
- DMSA Scan
- Bladder Function Assessment

And at specific points/change in circumstances (e.g. at age 2 years and age 10 years)

Video Urodynamic Study and Spinal MRI are not being done.

Most of these "routine monitoring" services are not available for the members of K.S.B.H.A. that were born since 2009 at Temple Street at any time, never mind annually.

Mr. Imran Mushtaq, a very well respected consultant Paediatric Urologist from Great Ormond Street Hospital in London, recently attended a study day in Cork on the subject of Urology and he described the list above as being the BARE MINIMUM kidney monitoring required for children with Spina Bifida. He described anything less as “negligent”.

Cllr. Cronin said it is his understanding that a Paediatric Urologist post was advertised by the HSE. On behalf of Kerry families with Spina Bifida patients he was asking why the HSE and Minister for Health have not appointed a Paediatric Urologist at Temple Street Hospital five years after transferring Spina Bifida patients care to one of Ireland’s largest children’s hospitals.

A child with Spina Bifida has as much right to life as every other child. All the medical professionals describe kidney failure as a predictable disaster which can and must be prevented. Cllr. Cronin called on the Minister for Health and the HSE to immediately appoint a Paediatric Urologist to Temple Street Hospital to ensure proper monitoring of Spina Bifida patients in Kerry and Ireland.

Cllr. M. Gleeson SECONDED the motion.

3. Emergency meeting with representatives of Irish Water

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

That Kerry County Council request an emergency meeting with representatives of Irish Water with a view to the provision of funding to address the Mid Kerry water supply crisis where the entire pipe network needs to be immediately replaced as homes, businesses and farms have been without water for prolonged periods, including the town of Killorglin and to discuss all other problematic areas in the county.

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

Cllr. M. Cahill said the problems with the Mid Kerry Water Supply Scheme are well documented. He was very concerned at the hundreds of breakages to the pipe network and this has created a problem with the old asbestos clay pipes. The people of Killorglin, Beaufort, Milltown, Dromin etc. are tormented from the interruption to their water supply. Milltown hosts a World Festival and it would be very embarrassing if there was an interruption to supply during the Festival. He asked that Irish Water would be requested to meet with the members of the Council on this issue. He welcomed the minor works carried out on this Scheme recently. He asked that this area would not be metered until these problems are addressed. Another area of concern is West Kerry.

Cllr. D. Healy-Rae SECONDED the motion.

Cllr. P. Connor Scarteen then moved Notice of Motion No. 16 as it relates to this issue.

16. Exemption from water charges for Mid Kerry and Killorglin consumers

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

That the people of Mid Kerry and Killorglin that currently have an inadequate water service, should be exempt from paying charges to Irish Water until they receive a good, safe and uninterrupted water supply to their homes.

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

Cllr. P. Connor-Scarteen thanked the Council for the work carried out on this scheme recently. There are constant breaks in the pipe network at Gerah, Milltown and Killorglin and it is unfair to ask these customers to pay water charges when the water supply is so unreliable. He asked that they would be exempt from water charges until the problems are rectified. He asked that a letter would issue to the Minister to meet with a deputation from the Council on this issue.

Cllr. D. Healy-Rae said funding is urgently required to replace the pipes from Gerah Cross to Killorglin.

Cllr. M. O'Shea called on the six Kerry T.D.'s to act immediately to ensure this urgent problem is addressed immediately. There was no water in this area again the previous day and this is unacceptable. He asked that a letter would issue to the Kerry TD's calling on them to act on behalf of the people who elected them.

Cllr. D. Healy-Rae then moved Notice of Motion No. 30 on behalf of Cllr. J. Healy-Rae.

30. Relaying of the water main from Gearha Cross to Meanus Cross

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

That Kerry County Council would relay the water main from Gearha Cross to Meanus Cross on the Mid Kerry Water Supply Scheme.

The following report issued:

There are approximately 6,300 metres of AC trunk main between Gearha Cross and Meanus Cross. It would cost approximately €1.26 million to replace the entire length of watermain at this location. This AC trunk main actually extends beyond this location and measures 8,300 metres over its entire length and it would cost approximately €1.66 million to fully replace this main.

Funding approval to replace 1,200m of this main was secured from DECLG following a submission based on frequency of bursts etc. but the funding approval will now need to be confirmed by Irish Water.

It is expected that construction will commence this year following a public tender process. However, KCC will propose that part of the project should be carried out by direct labour in order to expedite matters.

Further submissions will be made to Irish Water to replace the remaining sub-standard sections of main. In the meantime, KCC staff are putting low cost measures in place which are aimed at minimizing the number of breaks to this water main.

Cllr. D. Healy-Rae asked if funding would be provided to relay the water main from Gearha Cross to Meanus Cross.

Mr. O. Ring, Director of Water Services said officials from the Water Services Department would meet with Irish Water within a month to agree the Works Programme. Under the old system 9.6km of mains needed to be replaced. 3.5km of this is done with 6.1km remaining. He was proposing that it would be done by direct labour and that the 1.5km from Gearha Cross to Meanus Cross would be included. He assured members that this would be a priority when they meet with Irish Water.

Cllr. Cahill asked if a request would issue to Irish Water for a meeting with members.

Mr. Ring asked that members would allow his Department to meet with Irish Water first.

4. Scheme to compel financial institutions to offer family homes for sale to the Local Authority

Pursuant to notice duly given Cllr. J Finucane PROPOSED:

That Kerry County Council calls on the Minister for Housing and Finance and the Government to introduce a new scheme where prior to granting of an eviction order the financial institutions involved would be compelled to offer for sale the family home to the local authority at a discounted price, say 50%. The family concerned would become tenants of the local authority pay rent and if their circumstances changed would be able to repurchase their home back under a tenant purchase scheme. This scheme would save significant trauma for families and would certainly save the state money, ie supplementary welfare rent allowance etc. That this motion be circulated to all county councils in the Country.

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

Cllr. J. Finucane expressed concern that in January there were 30 proposed evictions in Kerry and this number increased to 65 in February. Over 60% of these are primary residences. This is happening at a time when the rating agencies are congratulating Ireland on exiting the bailout programme yet the ordinary citizens are facing eviction. Financial institutions were bailed out by the State and that courtesy is not being afforded their customers. The average eviction costs the State €7,500 and if the case is undefended the State pays the cost of the eviction. The home owner usually seeks rent allowance and must register for RAS and the State is paying the cost. The repossessed property should be given to the State and the home owner should be allowed to remain in the property and to pay rent. In time they may be in a position to purchase it.

Cllr. T. Ferris supported the views expressed by Cllr. Finucane and said this issue is hugely important for the people facing eviction. The Mortgage to Rent Scheme is only available to Voluntary Housing Bodies presently and there is no claw back for the home owner if they want to buy the house at a later date. Cllr. Ferris said it is extremely difficult to access mortgage to rent.

Mr. J. Breen said there are a few such cases.

Cllr. Ferris said a number of financial creditors are benefitting and it is important that local authorities can cater for people.

Cllr. S. Counihan expressed concern that the €20m made available for distressed mortgage holders within the local authority sector is more likely to go to the financial institutions than to housing.

6. Meeting the needs of Irish citizens living abroad

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

With the continued growth of emigration and settlement of Irish citizens living abroad, that this Council seeks of the Government to take a more robust approach to meeting the needs of Irish citizens living abroad by applying the letter and spirit of Article 2 of Bunreacht na hEireann where it declares that 'the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage'.

This could be achieved by the following and other initiatives:

- a) Establishment of Minister for State with responsibility for citizens living abroad.
- b) A formal consultation process to be initiated through Diaspora representative organisations registered with the Department of Foreign Affairs Emigrant Support Programme and the Global Irish Network among others.

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

Cllr. Ferris said she got inspiration for this motion from an online Article which stated that the Irish State was using the Diaspora as an ATM and they should be used in a more wholesome way. Almost 400,000 people have emigrated over the past few years and they want to be included in the State. She suggested that a Minister for State for emigrants should be appointed who would seek to establish a meaningful relationship with our emigrants. In the past she called for an extension of voting rights to our Diaspora at least for those that left in the past 5 years. The irony is that graduates have a vote in Senate Elections. She called on the Government to consider appointing a Minister for State for Irish people living abroad. When she was Mayor both she and the Manager tried to link the Kerry Associations around the world and it was not very successful. However by visiting the Kerry Associations in London and New York they knew we valued them. She asked that this resolution would be circulated to all local authorities in the country.

Cllr. R. Beasley **SECONDED** the motion.

9. Provision of social housing in the County

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

What is the up to date position with Kerry County Council on social housing in the County. There is a serious shortage in all urban areas.

The following report issued:

The summary housing needs assessment carried out in May 2013 identified a social housing need of 1487 qualified households in Kerry County Council's administrative area.

In 2013 Kerry County Council created 100 new lettings from within our housing stock, the majority through the filling of casual vacancies. In addition 179 new RAS tenancies were created within the same period. Also we currently have leased 40 properties under the social housing leasing initiative which were let to approved housing applicants.

As previously advised the Government have approved the introduction of the proposed Housing Assistance Payment to provide more long term housing support in the county to households currently in receipt of long term rent allowance. As previously highlighted these households represent the majority of socially qualified households and by and large are renting good quality accommodation within the county. The proposed HAP scheme is to be administered by local authorities and will represent a significant shift in the manner in which social housing need will be met into the future. The precise details of how it is to be administered and its proposed commencement date have yet to be determined and advised by the DoECLG.

In the meantime as a Housing Authority we will continue to maximize the various social housing options currently available to meet social housing need in the county i.e. Rental Accommodation Scheme & Social Leasing, filling of casual vacancies and working with the approved housing bodies who it is intended will play an increasing role in the provision of social housing generally by accessing private finance in accordance with recent DoECLG policy. Also at the request of DoECLG a recent 'Call for Proposals for 2014' has been issued by the Housing Department to approved housing bodies operating in Kerry seeking proposals under the Capital Assistance Scheme to meet special housing needs arising from within the county.

The DoECLG has separately advised that capital funding to be allocated directly to the Council under the Social Housing Investment Programme for 2014 is only available to meet existing contractual commitments. We have recently been advised of an allocation of €690,000 to meet present commitments. No funding has been allocated for new projects.

Cllr. R. Beasley said he was aware of a lot of people in need of social housing in Ballybunion. Since the assessment was carried out last May there are many more qualified housing applicants. He asked that a letter would issue to the Minister for Environment calling on him to provide funding for social housing as a matter of urgency. He pointed out that there is a specific need to build houses.

Cllr. M. Cahill SECONDED the motion and said there are now 4,750 qualified housing applicants in the county following the assessment. This is a crisis and he called on the Government to fund a new building / purchasing programme immediately as there is excellent value to be had for purchasers on the open market.

11. Review of the Parking Bye-Laws in Cahirciveen Town

Pursuant to notice duly given Cllr. P.J. Donovan PROPOSED:

What progress has been made on the review of the Parking Bye Laws in Cahirciveen town?

The following report issued:

This motion was moved at the September 2013 Killorglin Electoral Area Meeting where the following reply was given "A review of the parking Bye-Laws in Caherciveen will be undertaken as part of an overall review of the parking Bye-Laws for the entire County. However, this work is currently on hold due to insufficient resources within the Roads' Department at present". The staff required to undertake such a sizeable body of work are taken up with delivering the roads programme around the County. However, if consensus exists as to the location, the Area Engineer will be asked to mark out 2 suitable bus parking bays on the main street, which can be used for busses to stop at designated times. It is hoped that people would then respect these times as breaches cannot be legally enforced.

Cllr. P.J. Donovan expressed his disappointment with the reply. A sign was erected in Caherciveen in relation to bus parking and this cannot be enforced as there is insufficient staff available. At present buses cannot stop as there is no where to park. At the Area Meeting he was informed that the street would be painted a difference colour so buses could pull up there but this has not happened. He asked that this painting of the bus parking areas would be carried out immediately.

12. Responsibility for the Old Embankment in Castlemaine Harbour

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

That Kerry County Council ask the Minister for Communications, Energy & Natural Resources, Mr. Pat Rabbitte TD, and the Junior Minister for Public Works, Mr. Brian Hayes, TD, who is responsible for the Old Embankment in Castlemaine Harbour that was one time maintained by the Land Commission.

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

Cllr. M. O'Shea said everyone is aware of the disastrous effects of the recent storms. This is very serious in particular for those living in coastal areas. There was serious damage to Maharees Bay and the Tralee Bay hatchery is in danger of being washed away. This is the only employer in this area. There are 5 houses in danger of being washed away in Cromane. He asked that consideration would be given to these families as no state agency is taking responsibility for the embankment. The report circulated by Mr. MacNamara says no Department is responsible for the embankment and therefore they have no hope of having the embankment strengthened to protect their homes. He asked if these families will have no alternative but to relocate.

Cllr. M. Cahill said there was a meeting between Kerry County Council and the OPW in 2007 and at that time it was clear the OPW was responsible for the embankment. It is important for the people affected to establish who is responsible for the maintenance of the embankment. He asked will the people of Cromane, Incharee and Glosa be prioritised by Kerry County Council.

The Manager said the Council is not responsible for these areas and this is very clear. In the past the Council carried out works on an agency basis for the OPW. People are now blaming the Council for not finishing the work. If that is the case the Council will no longer do any work in this area. He made it clear to the Department that when we seek funding we must get 100% funding as we cannot come up with a local contribution. His priority is to restore beaches and he must prioritise public infrastructure.

Cllr. Cahill said while he understood the Council's position he asked that contact would be made with the OPW to outline the Council's position. It is unfair to leave the landowners without protection. He understood why legal action is being taken as the homeowners feel if they sue the OPW they will find out who is responsible for the maintenance of the embankment.

Cllr. O'Shea said it appears from Mr. MacNamara's report that responsibility was passed onto the Department of Agriculture from the Land Commission.

14. Removal of the HUB town status for Killarney

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

That Kerry County Council write to the Department of Environment, Community & Local Government to consider the removing of the HUB town status for Killarney. Recently this status was the reason a grant for an Athletics track in the town could not be considered.

The following report issued:

The funding rules relating to the LEADER programme preclude the provision of funding to the towns of Tralee and Killarney given that they have been designated as linked HUBs within the National Spatial Strategy. It is important that the two towns would retain this designation within the national planning and development strategy for the country. Given the fact that a new LEADER /Rural Development programme is set to commence in 2015, it would be appropriate that the Department of Environment, Community & Local Government would be requested to review the funding rules to have the linked HUB towns made eligible for LEADER funding, rather than seeking the removal of the HUB tow status of Tralee/Killarney.

Cllr. J. Sheahan said he did not know if Killarney has benefited from the Hub town status down through the years. In fact in recent times this status has been restrictive. An application for Leader Funding was rejected, as it was deemed illegal because the project seeking funding was to be based in Killarney. This application was for an athletics track, which would serve the East and South West Kerry area. Incidentally the site was already available at St. Brendan's College. Great credit is due to the committee who worked very hard to locate a site. However, other avenues are being explored to deliver this project. In conclusion Cllr. Sheahan said he believed we need to rethink the Hub town status as it is having a negative effect on progress in Killarney.

Cllr. J. Finucane **SECONDED** the motion and said the HUB status has not had any benefit for either Tralee or Killarney.

15. Public liability claims

Pursuant to notice duly given Cllr. B. O'Connell PROPOSED:

How much has Kerry County Council paid in compensation for public liability claims over the past 12 months?

- What are the sums involved?
- What are the names and addresses of those who lodged compensation claims?
- Who are the legal practitioners involved in lodging these claims?
- How much has been paid in legal costs?
- What is the Council's view of the sums being offered by the Personal Injuries Assessment Board?
- Has this and other Kerry Local Authorities seen an increase in claims against it since the downturn?

The following report issued:

The payment of compensation claims to 3rd party claimants is primarily a matter for our insurance company, Irish Public Bodies (I.P.B.), who give a direct indemnity to the council. Kerry County Council pays an insurance premium each year to I.P.B for property, motor, employer's liability and personal accident insurance for staff. The premium paid is negotiated each year and will vary depending on the level and value of claims paid out in previous years. In 2013, Kerry County Council paid €2.2m for its suite of insurance policies.

In the past 12 months I.P.B. has paid out approximately €1.39m in relation to fees and settlements associated with insurance claims. It should be noted that not all claims, which are paid, are done so within a 12 month period and some can take many years before they are finalised.

Schedule of fees and settlements of claims are set out in the following table:

Fees/Settlements	€ 2013
Consulting Engineer/Liability Adjuster	15606.49
Injuries Board	20700.24
Insured	70595.73
Junior Counsel	9521.95
Legal Costs Accountant	2309.97
Medical Expert	8160.3
Met Éireann	110.7
Motor Assessor	1537.84
Own Solicitor	4667.15
Third Party Claimant	1150341.6
Third Party Settlement	14500
Third Party Solicitor	92746.75
Grand Total	1390798.72

Claims paid out vary from a low of €60 to a high of €100,000. Under Data Protection Legislation, we can not present the names and addresses of either the claimants or their solicitors in this public forum. However, if any member wishes to get further information they can liaise through the Finance Department.

In 2013, IPB have confirmed that a total of 43 claims were lodged through the Injuries Board. They have confirmed that during 2013 39 claims were settled for an average of €32,000 including costs with third parties. The balance of monies on the schedule are costs incurred in defending claims.

The following table, Table 2, sets out the trend in claims received since 2007.

The claims vary from year to year but the total number of claims received in 2012 was the lowest in the past 6 years. The 2013 figure is not finalised yet.

2007	415
2008	254
2009	341
2010	303
2011	294
2012	235

Cllr. B. O'Connell asked what the Council's view of the sums offered by the Personal Injuries Board is. He asked if a lot of claims are in 1 area / town. Is there a pattern where certain firms of solicitors specialise in pursuing claims against Kerry County Council? If this is so it should be highlighted.

Cllr. T. Ferris urged caution and said it is possible there are solicitors that are involved in a number of cases as they specialise in personal injury cases.

Cllr. D. Healy-Rae then moved Notice of Motion No. 17 on behalf of Cllr. J. Healy-Rae.

17. Levying of Rates on commercial premises that are closed

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

That Kerry County Council would not enforce 50% rates on commercial premises that are closed in our County.

The following report issued:

This matter is dealt with in the Local Government Reform Act 2014, it is suggested that it should be left to be considered as part of the 2015 Budget Process.

18. Calling on the HSE to give appropriate priority to older people in need of urgent assessment

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

That the HSE would give appropriate priority to older people in need of urgent assessment and provision and not force them to endure the hardship of prolonged waiting time for quality of life equipment such as Hearing Aids.

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

Cllr. M. Gleeson said there is something seriously wrong with a society that says to an 83 year old person that she will have to wait for up to 3 years for hearing aids. A lady who applied in early 2013 was given that news or maybe he should say given that sentence.

There is something wrong with an organisation that is unable to trace a letter sent on behalf of that lady even if it was not sent precisely to the correct HSE office. There is something very wrong with a supposedly caring organisation that could not ensure that a letter was forwarded to the correct address.

There is something pathetically wrong when a person who having been contacted by email and by phone is unable to adhere to a committed date for reply. One can in such a situation only conclude that the organisation doesn't give a damn. They don't give a damn about the elderly person or about that most precious of virtues – common courtesy. As someone who spent many years working in the public domain he feels a great sadness that our country is in such a deplorable state.

19. Pedestrian crossing at the Lewis road junction beside McSweeney's Corner

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

To request as a matter of public safety that a proper pedestrian crossing be constructed at the Lewis road junction beside McSweeney's corner, Killarney to ensure the safety of people crossing at this busy junction.

The following report

This Notice of Motion was moved by Cllr. John Sheahan at the September 2013 Killarney Electoral Area Meeting, having previously been moved in June 2013 and September 2012 by Cllr. Danny Healy Rae. The following was the reply given in September:

"An application for funding for this location on the R876 Regional Road will be submitted to the Department of Transport, Tourism and Sport for consideration for funding under the Regional and Local Road Low Cost Safety Improvement Grant for 2014".

In the 2014 Regional and Local Road Grant Allocation a sum of €40,000 has been received for this Pedestrian Crossing. The design of the crossing will be carried out in the coming months as resources allow. This will be followed by a Section 38 public consultation process, after which it is hoped to construct the crossing in the 3rd quarter of the year.

Cllr. Cronin welcomed the allocation received for this location but said he was disappointed work would not be done till the 3rd quarter of the year.

21. PSO for Kerry Airport

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

That this Council calls on Minister Varadkar to renew the PSO for Kerry Airport.

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

Cllr. J. Finucane said Kerry Airport is an essential part of the infrastructure of this county. The continued progress of the county and jobs are at issue and these depend on the PSO. The connectivity of Kerry is also very important and we must focus on the timescales that attract people to travel to Kerry. He pointed out that new direct flights from Toronto to Ireland will commence shortly and this is strongly supported by the Canadian Ambassador who also supports the Valentia /Newfoundland project. He called on the Minister for Transport to meet with a delegation from the Council to discuss this important issue for Kerry.

Cllr. N. Foley **SECONDED** the motion.

The Mayor informed the meeting that Notice of Motion Nos. 22 and 27 would then be taken together.

22. Extension of the deadline for burning scrub from the end of February until the end of March

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

That we the members of Kerry County Council ask the Department of Environment to extend the deadline for burning scrub from the end of February until the end of March to give farmers a fair chance of doing this necessary work.

Cllr. D. Healy-Rae said this motion is very important in particular for farmers. Land benefits from light burning and he **PROPOSED** that a letter would be sent to the Minister for Environment, Community and Local Government calling on him to extend the deadline for controlled burning of scrub to the end of March.

27. Extension of the burning season to the end of March

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

That Kerry County Council write to the Department of Environment, Community & Local Government with a view to extending the burning season to the end of March as is in Northern Ireland. The extended date would decriminalise the landowner when availing of better weather conditions to organise a supervised burning of his lands.

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

Cllr. J. Sheahan said presently, it is illegal to burn after the 1st March. By extending the burning season to the end of March the farmer would have an additional 4 weeks to organise a supervised and safe burning of his lands and this is the case in Northern Ireland. If the deadline was extended it would have a positive effect and eliminate / lower risk. Positive action is required to help the hill farmers' deal with this issue properly and it should end the threat of wild fires from destroying private property and causing a threat to Killarney's National Park and to the wildlife.

24. Changes in the Gaming Legislation that would allow betting shops to have gaming machines on their premises.

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

That Kerry County Council write to the Government to express their total opposition to any changes in the Gaming Legislation that would allow betting shops to have gaming machines on their premises.

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

Cllr. R. Beasley said betting shops owners want to introduce one-arm bandits to their shops. This would attract young people into these premises and would have a negative impact on them. He requested that the motion would be referred to the relevant Minister for consideration.

Cllr. G. Wharton Slattery supported the motion.

26. Commencement of works at Ard Na Greine Estate

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

That this Council asks the Law Department to expedite the legal work holding back the commencement of works at Ard Na Greine. Residents of this unfinished estate are being discriminated against with the unacceptable delay to complete necessary works.

The following report issued:

It is accepted that the resolution of this Housing Estate took longer than originally anticipated. This was due to a number of factors including the requirement to obtain agreements from several stakeholders at various stages.

In addition, the appointment of a Receiver to the Developer at a later stage in this process resulted in significant delays.

Our Planning Department asked Law Agents to advise on a draft tripartite agreement submitted by AIB under which the Bank agreed to procure the completion of works in performance of its obligations under Planning Bonds granted by the Bank for the development. The matter was dealt with as a priority matter at all times by Law Agents staff and Planning Department staff. The agreement was the first of its kind within the Kerry Local Authority system and required careful consideration and numerous amendments and counter amendments proposed and negotiated between the Council, the Bank and the Receiver. Law Agents have reached final agreement with the Bank on the terms and conditions of the agreement including Schedule of Works to be carried out on behalf of the Bank by the

Bank's contractors in performance of the Bond. The agreement has been executed by the Receiver and by the Bank. At this stage it is now ready for sealing and completion by Kerry County Council and hence works will commence on site, in the near future.

Cllr. M. O'Shea said it has been a long road for the residents of Ard Na Gréine. He commended the Planning Department for their work in trying to ensure the outstanding works are completed on this estate. He asked how long the sealing would take.

Mr. McMahon said he understood the document is in the post and it can be sealed within a matter of days.

28. Provision of an Ear, Nose and Throat Service at Kerry General Hospital from 5pm every evening and weekends

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

To ask the Minister for Health to provide an Ear, Nose and Throat Service at Kerry General Hospital for emergency situations that may arise from 5pm every evening and weekends as it is not available at present.

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

Cllr. A. McEllistrim said up till recently an ENT specialist was available out of hours but that is no longer the case. She called on the HSE to provide an out of hours ENT service.

Cllr. J. Sheahan moved Notice of Motion No. 29 on behalf of Cllr. P. Connor-Scarteen.

29. Road works on the N70 Ring of Kerry Road

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

Further to this year's allocation given by the NRA/ Department of Transport for the N70 Ring of Kerry Road, please liaise with the NRA and contractors to ensure that the road works are completed in early spring before the height of the tourism season.

The following report issued:

The recently announced National Roads Grants include 5 Pavement Overlays on the N70 Ring of Kerry Road totalling €23 m. This funding has to be welcomed. As always Kerry County Council schedules this work to avoid the peak tourist season, and will do so again this year and will work with the successful contractors to minimise any disruptions.

32. Funding to develop the long awaited new burial ground at Derrynane Abbey

Pursuant to notice duly given Cllrs. M. Cahill & P.J. Donovan PROPOSED:

That Kerry County Council prioritise and immediately make the necessary funding available to develop the long awaited new burial ground at Derrynane Abbey to bring this project that is long overdue to fruition and will the Council take into consideration that the residents of the area have been campaigning for this facility for almost 30years.

The following report issued:

The transfer of the 0.25 acre site from the Office of Public Works to Kerry County Council was finally completed in January 2014.

The site is located at 40 metres from the existing graveyard on Abbey Island, which is part of the Derrynane National Park.

It is estimated that the work to develop the new cemetery will cost approximately €40,000 and it is planned to develop the new cemetery in the coming months.

Cllr. M. Cahill welcomed the reply and acknowledged the work of the Water Services Department in securing this land.

Cllr. P.J. Donovan SECONDED the motion.

33. Reduction in the amount of foreign aid

Pursuant to notice duly given Cllrs. J. Healy Rae & D. Healy Rae PROPOSED:

That we the members ask the Government to reduce the amount of foreign aid funding to other countries and to ensure that whatever funding is given is being properly spent.

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

Cllr. D. Healy-Rae said funding for every Department in Kerry County Council is reduced and this will affect the young and old. Foreign aid funding will have to be reduced as we must look after our own people first. It is important that the spending of foreign aid is monitored to ensure it reaches those for whom it is intended. The money for foreign aid is borrowed and the cost is borne by the tax payers. An additional €1m for housing grants would make a big difference.

Cllr. J. Finucane opposed the motion and said a reception was held that day for the Royal College of Surgeons and the Tralee IT who have approx. 160 foreign students attending their college. This has a very positive impact on the local economy and it is wrong to show a lack of support for other developing countries.

Cllr. T. Ferris supported the views expressed by Cllr. Finucane but said she supported the second part of the motion. To suggest that food should be taken from the mouths of babies is a shame on Cllr. Healy-Rae.

There was no seconder for Cllr. Healy-Rae's motion.

34. Public lighting from Milltown Village to the Graveyard.

Pursuant to notice duly given Cllrs. P. O'Donoghue & M. O'Shea PROPOSED:

That public lighting from Milltown Village to the Graveyard be included in the programme of works for the proposed By Pass on the N70 from Kennedy's Cross to Milltown.

The following report issued:

An appraisal will be made as part of the N70 Kilderry Bends scheme whether or not the lighting should extend further west towards the speed limit. This appraisal will be carried out during the final design stage of the scheme.

Cllr. M. O'Shea welcomed the reply.

14.02.17.17 Correspondence - Conferences and Seminars

- (a) On the PROPOSAL of Cllr. G. Wharton Slattery, SECONDED by Cllr. P.J. Donovan it was agreed to authorise the attendance of Cllr. Ferris at the Ace Training Conference on the theme 'Local Government Law Update 2014' to be held in the Four Seasons Hotel, Carlingford, Co. Louth from the 21st to 23rd February 2014.

Cllr. Ferris was nominated to report back to Council on this Conference.

- (b) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllr. P. Connor-Scarteen at the Association of Irish Regions Conference on the theme 'Looking to the Future' to be held in Kilronan Castle, Ballyfarnon, Co. Roscommon on the 27th February, 2014.

Cllr. Connor-Scarteen was nominated to report back to Council on this event.

- (c) No councillor expressed an interest in attending the Training Seminar on the theme 'Local Elections 2014 - Process Count Proportional Representation System' to be held in The Carlton Hotel, Church Road, Tyrrelstown, Dublin on the 27th & 28th February, 2014.

- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim it was agreed to authorise the attendance of Cllr. O'Donoghue at the Seminar on the theme 'Local Elections - The Process and the Count' to be held in the Killarney Court Hotel, Killarney from the 28th February to the 2nd March, 2014.

Cllr. O'Donoghue was nominated to report back to Council on this event.

- (e) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllr. Wharton Slattery at the Wetland and Agriculture: Partners for Growth Conference to be held in the Tralee Bay Wetlands Centre, Tralee, Co. Kerry on the 6th & 7th March, 2014.

Cllr. Wharton Slattery was nominated to report back to Council on this event.

- (f) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllrs. Connor-Scarteen, Buckley, Beasley, Brassil, O'Shea, Finucane, Sheahan and Fitzgerald at the ACCC Annual Conference 2014 to be held in the Slieve Russell Hotel, Ballyconnell, Co. Cavan on the 6th & 7th March, 2014.

Cllr. O'Shea was nominated to report back to Council on this event.

- (g) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. O'Connell it was agreed to authorise the attendance of Cllr. O'Donoghue at the TGR Seminar on the theme 'Poverty and Migration in Ireland Today' to be held in Bunratty Castle Hotel, Bunratty, Co. Clare on the 7th & 8th March, 2014.

Cllr. O'Donoghue was nominated to report back to Council on this event.

- (h) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P.J. Donovan it was agreed to authorise the attendance of Cllr. J. Finucane at the Waterford City Council 1848 Tricolour Festival on Sunday 9th March, 2014.

- (i) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllrs. Leahy, Cahill, O'Donoghue and O'Shea at the Training Seminar on the theme 'Rural Development Programme 2014 – 2020' to be held in the Westport Plaza Hotel, Westport, Co. Mayo on the 14th & 15th March, 2014.

Cllr. Cahill was nominated to report back to Council on this event.

- (j) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P.J. Donovan it was agreed to authorise the attendance of Cllr. J. Sheahan at the 25th Colmcille Winter School to be held in Gartan, Church Hill, Letterkenny, Co. Donegal from the 21st to 23rd February, 2014.

14.02.17.18 Correspondence General

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

1.	Dáil Question and reply from Deputy Michael Healy-Rae in relation to coroner's expenses.
2.	Letter dated 13 th January, 2014 from the Department of Social Protection in relation to employment incentives to employers.
3.	Letter dated 22 nd January, 2014 from the Department of Social Protection in relation to the closure of local offices for Community Welfare Officers.
4.	Letter dated 22 nd January, 2014 from the Office of the Minister for Health in relation to home help hours.
5.	Letter dated 27 th January, 2014 from the Office of the Minister for Environment, Community and Local Government in relation to grant aid for group sewerage schemes.
6.	Letter dated 27 th January, 2014 from the HSE in relation to the income from car parking at Kerry General Hospital.
7.	Letter dated 31 st January, 2014 from the Office of the Minister for Training and Skills in relation to school transport provision in the Annascaul area.
8.	Letter dated 4 th February, 2014 from Bus Éireann in relation to bus shelters at Rathmore.
9.	Progress report dated 4 th February, 2014 on the establishment of Local Community Development Committees.
10.	Letter dated 16 th January, 2014 from South Tipperary County Council in relation to a resolution adopted by that authority calling on the Ministers for Finance, Education and Social Welfare to immediately review the flat fee of €833 introduced in the Budget for apprentices attending Institutes of Technology.

Votes of Sympathy

The following Votes of Sympathy were noted from the Vote of Sympathy book.

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Charlie King.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Din O'Donoghue.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Hannah Hourihan Kelliher.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Joan Burke.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Richard Clifford.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Joan O'Rourke.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Counihan.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Shane Courtney.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jerry (Diarmuid) O'Sullivan.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Hannah Kelliher.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Denis O'Connor.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Maureen Murphy.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Patrick Desmond.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Hanley.

- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kathleen Fitzgerald.

Any Other Business

Flooding at Kilmoyley and storm damage at Fenit

Cllr. T. Ferris said Mr. MacNamara never responded to her comments in relation to Kilmoyley. She asked that consideration would be given to providing materials to the local community to carry out the work and this would also apply to Fenit.

Mr. MacNamara said before any work can be undertaken in Kilmoyley a study of the area would be required. He understood the landowner may not allow access to his land to lay the pipe. It is important to establish if there is limestone in the area. Mr. MacNamara said he would need to speak to Mr. E. Scanlon in relation to Fenit to establish what works are required there.

Ownership of the Bridge at Ross Castle

Cllr. J. Sheahan asked who is responsible for the bridge at Ross Castle.

Mr. G. MacNamara said it is not owned by Kerry County Council.

Cllr. Sheahan requested that a letter to that effect would be issued to him.

Social Welfare Payments

Cllr. M. Cahill said he was contacted by a number of Post Masters recently in relation to the proposal to give Social Welfare payments to the Banks. If this happens it will be the death knell of rural Ireland. This is the most serious issue to arise in recent times. If the Post Office closes, shops and pubs will also close. This proposal must be resisted strenuously. The Government did this in the UK and as a result many Post Offices were struggling and still are. He requested that a letter would issue to the Minister calling on him not to support this proposal.

Cllr. S. Counihan supported the views expressed by Cllr. Cahill and asked that a letter would also issue to the Post Masters Union offering assistance to them. It is incredible given the way Banks behaved in the past that it would even be considered to give them this business.

Ballyseedy Wood

Cllr. G. Wharton Slattery asked when work will commence on clearing the trees in Ballyseedy Wood in particular the ones that fell into the river.

Mr. MacNamara said it is hoped to clear an access to get to them shortly.

The meeting concluded at 4.05pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry