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**MINUTES OF THE MEETING OF THE MEMBERS OF THE MUNICIPAL DISTRICT OF KILLARNEY HELD IN THE TOWN HALL, KILLARNEY ON WEDNESDAY, 28<sup>TH</sup> JANUARY 2015.**

**MIONTUAIRISCÍ NA CRUINNITHE DE CHEANTAR BARDASACH CHILL ÁIRNE A THIONÓLADH IN HALLA AN BAILE CHILL ÁIRNE AR AN CHÉADAÓIN 28 EANAIR 2015.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

**Cllr. B. Cronin  
Cllr. J.J. Culloty  
Cllr. M. Gleeson  
Cllr. D. Grady**

**Cllr. D. Healy-Rae  
Cllr. N. Kelleher  
Cllr. B. O'Connell  
Cllr. J. Sheahan**

**In attendance/i láthair**

<b>Mr. J. Breen</b>	<b>Delegated Executive for the MD of Killarney</b>
<b>Mr. G. O'Brien</b>	<b>Meetings Administrator</b>
<b>Mr. D. Doyle</b>	<b>SEE</b>
<b>Mr. P. Neary</b>	<b>SEE</b>
<b>Mr. C. Mangan</b>	<b>SEE</b>
<b>Ms. B. Mulryan</b>	<b>EE</b>
<b>Mr. Ml. Lynch</b>	<b>SEE</b>
<b>Mr. C. O'Leary</b>	<b>EE</b>
<b>Mr. B. Mulherne</b>	<b>AE</b>
<b>Ms. N. O'Sullivan</b>	<b>AO</b>
<b>Mr. L. Brosnan</b>	<b>AO</b>
<b>Ms. J. Brosnan</b>	<b>AO</b>
<b>Ms. M. Galvin</b>	<b>CO</b>

The meeting commenced at 10.45am.

**Vote of Sympathy**

Cathaoirleach Cllr. J.J. Culloty extended his sympathy to Mr. Murt O'Shea, former Killarney Town Councillor, on the death of his wife, Bridie in December. His daughter, Ms. Sheila Dixon, was also a former Killarney Town Councillor.

All members said they wished to be associated with this expression of sympathy.

**15.01.28.01 Confirmation of the Minutes**

- (a) On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Brendan Cronin, it was agreed that the Minutes of the Meeting of the Members of the Municipal District of Killarney held on 12<sup>th</sup> November 2014 be confirmed.
- (b) On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Danny Healy-Rae, it was agreed that the Minutes of the Special Meeting of the Members of the Municipal District of Killarney held on 10<sup>th</sup> December 2014 be confirmed.

#### **15.01.28.02 Reception of Deputations:**

##### **(a) Deputation from Rathmore Community Council**

Cllr. N. Kelleher welcomed *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* representing Rathmore Community Council, to the meeting. Cllr. Kelleher stated that he raised issues such as repairing the footpaths and provision of lighting in previous Notices of Motion. Rathmore is a gateway town. It has taken 6 years of effort from the locals to get Rathmore looking as well as it does now.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* addressed the meeting. He stated that the Community Council had invested a lot of time and money into Rathmore for the betterment of the community. The Community Council is very proactive.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* stated that they came to the meeting as partners with Kerry County Council and other agencies to improve their town. They carried out a private Feasibility Study for the town that recommended the provision of linear lighting, a playground and the upgrading of the town itself.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* stated that they can only go so far. They have received grant assistance from IRD Duhallow, the local community and Kerry County Council. They have pride in their area and want it improved.

Safety in the village is a major concern. The NRA are responsible for the main road through the town. The RSA have been informed of the dangers in the town. There are no pedestrian crossings which is a concern as there have been many near misses and accidents on that stretch of road. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* commended Kerry County Council and the NRA for works done to date. He discussed the matter of contribution levies and asked if they could be used to upgrade the town and provide adequate lighting. He stated that the levies had been handed to the Council in good faith. Hundreds of planning applications had been granted in the area. He presumed that a certain business owner in the town had made contributions and he now looks out from his premises at a rundown town. He thanked Kerry County Council for the playground and the linear lighting and reiterated that the Council knew what needs to be done.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* addressed the meeting. He said the lighting in Rathmore is getting worse. He stated the NRA were responsible for everything

in their town. He referred to "Pole No 14" across from the weighbridge in Rathmore which has not been working for some time due to Kerry County Council cutting the cable which runs across the road. The centre of the town is lit very poorly. On Friday nights the elderly residents attend bingo in the town. They are often wearing dark clothes. Drivers can't see them. There will be a fatal accident soon.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* also referred to the Railway Bridge and described it as the "worst bridge in the County". People are on the bridge before they know it. It is a completely blind location. It needs to be lit on either side.

Cllr. Kelleher's referred to his Notice of Motion No 42 and asked when was Main Street overlaid by the NRA. He said it would be desirable to carry out the works listed in his Motion.

Cllr. Kelleher referred to a previous Killarney Municipal District Meeting where he had been promised a copy of the development levies paid in the Rathmore area. He had still not received same and asked that same would be made available to him. He said that the people of Rathmore deserved to have improvements made in their area from the monies they contributed into the Development Levy Fund. He asked how much money has been collected and where it had been spent. He stated that €300,000 in rates are billed each year in Rathmore and this money is not being spent on the town. Rathmore is one of 3 access routes into the County. The lighting in the town is terrible and there will be a fatality soon.

Cllr. Kelleher referred to his Motion No 43 and asked that the ESB connect this light as soon as possible.

Cllr. Michael Gleeson welcomed Mr. Kelly & Mr. O'Neill to the meeting. Cllr. Gleeson stated that he always drives through Rathmore on the way to Dublin. He stated that there was a time when it was in an embarrassing state. The improvements carried out over the last 10 years have hugely transformed the town and he commended the residents on same. He stated that the lack of a pedestrian crossing was criminal. He agreed that the approach bridge needs to be lit up. He stated that it was vital to the recovering economy to upkeep the access road.

Cllr. Brendan Cronin welcomed the deputation. He acknowledged the commitment of the residents in carrying out a huge volume of work in the town. He also referred to a request that the Members made previously regarding the total amount of levies raised in the Rathmore area. Was this money spent in Rathmore? Clarity was needed on this matter. He stated that the lights in Rathmore had disimproved. Cllr. Cronin asked what was the Council's position with regard to the replacement of inadequate public lights with LED public lights.

Cllr. Cronin stated that dealing with the NRA was quite frustrating. He asked if someone had to be killed before they would carry out the required works. He agreed with the sentiments of the previous Councillors with regard to lighting

up the bridge. He thought the erection of reflective chevrons would highlight the severity of the approach.

Cllr. Donal Grady welcomed the deputation. He referred to a request made to meet with the NRA and stated that they don't even inform the Council Engineers when they erect signage in the County. He said it was about time that they were held accountable. He stated that the upgrading of roads and footpaths was vital. Cllr. Grady stated that a 50 km/h sign should be erected on both sides of the bridge and lights provided. The provision of lighting is required as soon as possible as the town is very dark in places. A pedestrian crossing is also needed.

Cllr. John Sheahan welcomed the deputation. He hoped something would be achieved for the town. He stated he would continue to make representations on behalf of the community. A lot has been done but there is still more to do. Cllr. Sheahan stated that he had raised the issue regarding the new LED lights previously and had asked for the roll-out plan of same. He was told that these lights would be installed in major towns. He had asked that the roll-out would start in Rathmore and Gneeveguilla but this was ruled out. This needs to be started in areas that require it now. A pedestrian crossing is also needed and it would also have the effect of traffic calming by slowing down the traffic. When funerals take place in Rathmore there is mayhem. The situation is an accident waiting to happen. A pedestrian crossing should have been provided years ago. In relation to "Pole No 14", Cllr. Sheahan stated that he is continually making calls to the ESB. Rathmore has come a long way. The Councillors need to keep pursuing these issues.

Cllr. Danny Healy-Rae welcomed (*Name withheld for data protection purposes. A paper copy of unedited Minutes available on request*) He remembered Mr. Frank Buckley who had passed away who had achieved a lot of work for Rathmore. He complimented the community. He stated that his father and himself owed their existence for the start they got in Rathmore. He referred to his Question No. 6 regarding the pedestrian crossing for Rathmore and stated that he was disappointed with the response which stated that Rathmore was not on the NRA list of schemes. In relation to his Question No 5 regarding the Cullowa River, he asked that the Council write to the OPW requesting extra funding. Cllr. Healy-Rae also referred to his Question No. 7 in relation to LED lighting for Rathmore and Gneeveguilla. He said that he disputed the reply and was disappointed with same. He said that IRD Duhallow were going to contribute towards this.

Cllr. John Joe Culloty supported the previous Councillors' sentiments and he complimented the work being done. He knew a woman who had fallen outside the Community Centre but who wasn't going to make a claim against the Council. He stated that it was a nightmare dealing with the NRA. He referred to the Speed Limit Review. No sign had been provided before then. He asked if Mr. Paul Neary could meet with (*Name withheld for data protection purposes. A paper copy of unedited Minutes available on request*) and discuss their issues.

Mr. Paul Neary welcomed the deputation and complimented them on a very positive submission. He stated there were a lot of challenges ahead, funding

being one of them. The Council will try and support the community and discuss the issues with the NRA and keep the pressure on. He stated that the Councillors were always championing the cause of Rathmore. He informed the Members that "Pole No 14" would be lit that evening.

Mr. Neary stated that the NRA have funded traffic calming from Rathbeg Road, Barraduff to Rathmore and is in a good enough condition. The NRA have provided €420,000 to overlay the road from Shinnagh Cross to County Bounds. He will address the issues of the bridge and provide signage. He stated that a Speed Limit Review will be carried out later in the year. In relation to the provision of a pedestrian crossing, Mr. Neary confirmed he will continue discussions with the NRA on safety issues.

€42,000 from the Maintenance Fund is to be spent on the footpaths from the level crossing to housing estate on the right hand side. The ducting for the public lighting will also be installed. In relation to the public lighting, nationally ESCO contracts are handed over to private contractor. The successful party in the tendering process holds onto the contract for 10 - 20 years and then the lights are handed back to the Local Authority. Mr. Neary confirmed he will push this with Airtricity to upgrade.

Mr. John Breen welcomed the deputation and thanked them for their contribution. He appreciated their frustrations. He referred to the Development Contribution Scheme and stated that it was not geographic specific. This only applied in the past under the previous Town Council structure. Mr. Breen then read the following from the Development Contribution Scheme:

*"It is anticipated that Kerry County Council will raise loans to fund the Local Contribution elements of these works and that the resultant loan charges will be serviced by the Development Contribution Scheme."*

Mr. Breen stated that the Council were not permitted, by the Department, to raise a loan for the remainder of the works at present.

Mr. Breen stated that the Council will look at LEADER funding. The Council do not have funds to carry out the work that needs to be done. He stated that collectively, we have the opportunity to do it as did the residents of Castleisland. He stated that Niamh O'Sullivan will work with the residents on this.

Mr. Breen agreed to forward the list of development contributions to Cllr. Kelleher.

Cllr. Kelleher stated that two pedestrian crossings were needed for Rathmore. Finance needs to be found from somewhere.

**(b) Deputation from the Residents of Listry**

Cllr. Brendan Cronin welcomed the deputation to the meeting. He referred to Listry Bridge which was located on the main Milltown to Killarney Road. He had submitted previous Notices of Motion regarding the widening of this bridge and had received quotes of €1.5m - €2m to carry out the necessary works. There have been numerous accidents on the bridge. It is lethal for pedestrians and cyclists. It is time to take action.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* addressed the meeting. He thanked Cllr. Brendan Cronin and Kerry County Council for the opportunity to speak. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* stated he has walked the bridge and has measured same at 134 paces long. At its narrowest point, the bridge is 12ft. It is a long distance for a pedestrian or a cyclist to travel without a footpath. When cars meet on the bridge, their wing mirrors touch. The problem is exacerbated in the summer when tourists travel the route. A lot of serious incidents have occurred on the bridge. As a result of an accident four weeks ago, the bridge was closed off for 2 hours while the emergency services attended the scene. The bridge is an old structure and sections have become dislodged. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)*

thanked the Council for the road painting and signage that had been carried out but added that the public do not pay attention to the signs.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* addressed the meeting. He stated that he was very concerned. His house is located next to the bridge. He stated that there are 2 or 3 incidents per week on the bridge. The bridge is in existence since 1918 and is very fragile. From the Milltown side the approach is very dangerous.

Cllr. Brendan Cronin stated that the bridge needed to be widened. He asked that a request for funding be sent to the Department. There is 4km - 5km of straight road on the approach to the bridge. Signage is not adhered to. Sensor operated traffic lights should be installed at this location and signage should be more explanatory. Two vehicles cannot pass on the bridge. Pedestrians and cyclists are in danger of losing their lives. The onus is on Kerry County Council to recognise the current danger and to take action now.

Cllr. Michael Gleeson welcomed the deputation. He stated that crossing the bridge involves an "act of faith". The presumption is there that the other drivers are driving responsibly. This road is the access road to the primary tourist resort in the country. Investment should be made here.

Cllr. Bobby O'Connell said the bridge was very dangerous for pedestrians and drivers. He pledged to give the residents his full support.

Cllr. Donal Grady welcomed *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* He concurred with Cllr.

Gleeson's comment that it took an "act of faith" to traverse the bridge. It is a health and safety issue. The Council Engineers should visit the bridge with the Council's Health & Safety Officer. He stated he would help in any way he could.

Cllr. John Sheahan stated that he was driving over the bridge one day. He had right of way as he reached the bridge first but he had to stop his car on top of the bridge to let an oncoming motorist pass him by who failed to yield. Cllr. Sheahan referred to a similar bridge in Glenbeigh that had a footpath installed for pedestrians. Only one vehicle can now cross. This has worked. Cllr. Sheahan had previously submitted a Notice of Motion for road markings which were provided but his Motion for traffic lights was not followed up on. At Christmas, the emergency services spent 2 hours cutting people from their cars following an accident at the bridge. The NRA need to be informed of this and other accidents.

Cllr. Danny Healy-Rae welcomed the deputation and acknowledged their concerns. He welcomed Mr. Paul Neary as Engineer to the area. He stated that the men who built this bridge didn't anticipate the volume of traffic that is there now. He stated that works always seemed to be ongoing in Dublin but not in Kerry. He supported the call to widen the bridge.

Cllr. Niall Kelleher welcomed the deputation. He stated that there was a health and safety issue here. There was a serious accident at this location recently. The situation needs to be addressed so we do not have another reoccurrence.

Cllr. John Joe Culloty stated that if this bridge isn't going to be widened any time soon, then it needed a clear yield sign. He will support the deputation on this matter.

Mr. Paul Neary welcomed the deputation. He stated he was involved with the original lining 10 years ago. The Department of Transport suspended specific funding for these works. He stated he will look at the idea of the provision of a footpath on the bridge and review the approach signage and try and put in a "Caragh Lake" model. He stated that he will be meeting Lucy Curtis, Health & Safety Advisor, NRA shortly and will raise this matter with her.

Cllr. Brendan Cronin asked that the provision of sensor operated lights be looked at in the review with Lucy Curtis and that it be included in the assessment.

Cllr. John Sheahan supported Cllr. Brendan Cronin's comments. He asked that something be done before the start of the tourist season.

Mr. Neary agreed to update the Members on same at the next Municipal District Meeting.

Cllr. John Joe Culloty welcomed Ms. Niamh O'Sullivan in her new role as Co-ordinator of the Killarney Municipal District. He also welcomed Mr. Paul Neary in his role as Senior Executive Engineer for the area. He stated that Mr. Neary was very familiar with the Killarney area and this is very important from the Members' point of view.

### 15.01.28.03 Business prescribed by Statue, Standing Orders or Resolution

#### (a) Material Contravention Tomies West and Gortdirra, Beaufort

Michael Lynch read the following report into the record of the meeting:

##### **"Development Description**

*(i) Construct a public (western) access road to the Killarney National Park in the townlands of Tomies West and Gortdirra, Beaufort and (ii) construct a car park (this application is accompanied by Natura Impact Statements and an Ecological Report) at Gortdirra, Beaufort, Co. Kerry.*

The Material Contravention Procedure in this case was initiated with publication of the prescribed notice in the Irish Examiner newspaper on 28<sup>th</sup> November, 2014, pursuant to Section 34 of the Planning and Development Act, 2000 as amended by Section 23 of the Planning and Development (amendment) Act 2010.

*Note: 16 submissions were received following the publication of planning notices by applicant while 9 submissions were received following the publication of the material contravention notice by Kerry County Council on 29<sup>th</sup> November 2014.*

The attached report and recommendation has been prepared to facilitate your consideration of this matter.

In accordance with the terms of this report and recommendation, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area, is in compliance with Ministerial Guidelines and in accordance with the Regional Planning Guidelines, and **a grant of permission is, therefore, recommended, subject to the conditions listed therein (8 no.).**

**Signed: Michael McMahon**  
*Michael McMahon, Director of Job Creation/  
Sustainable Economic Development*

**Date: 21/01/2015**



Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act, 2010 in relation to application for the following:

PERMISSION TO (I) CONSTRUCT A PUBLIC (WESTERN) ACCESS ROAD TO THE KILLARNEY NATIONAL PARK IN THE TOWNLANDS OF TOMIES WEST AND GORTDIRRA, BEAUFORT AND (II) CONSTRUCT A CAR PARK (THIS APPLICATION IS ACCOMPANIED BY NATURA IMPACT STATEMENTS AND AN ECOLOGICAL REPORT)

Planning Register No. 14/134

Name of Applicant: National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht

Address of Applicant: Muckross House, Muckross, Killarney

Agent: Frank Coffey, Consulting Engineer, Daly's Lane, Killorglin.

Date application lodged: 12/03/2014

Dates Further Information received: 18/09/2014 and 06/10/2014

Decision due date: 31/01/2015

## Proposal

The proposed development may be summarised as follows:

- (1) Construct a new access road, about 1000 metres long and 4 metres wide, from the public road at Tomies West to Tomies Wood in Killarney National Park on the western side of Lough Leane. In addition to the construction of the bituminous macadam surfaced road, the works will entail drainage works including the culverting of a short section of watercourse running adjacent to the proposed access road, the erection of deer fencing to the east of the road and sightline improvement works at the junction of the proposed access road with the public road.
- (2) Construct a bituminous macadam surfaced car park in a clearing at the edge of Tomies Wood with 28 no. car parking spaces and associated drainage works and deer fencing around its perimeter.

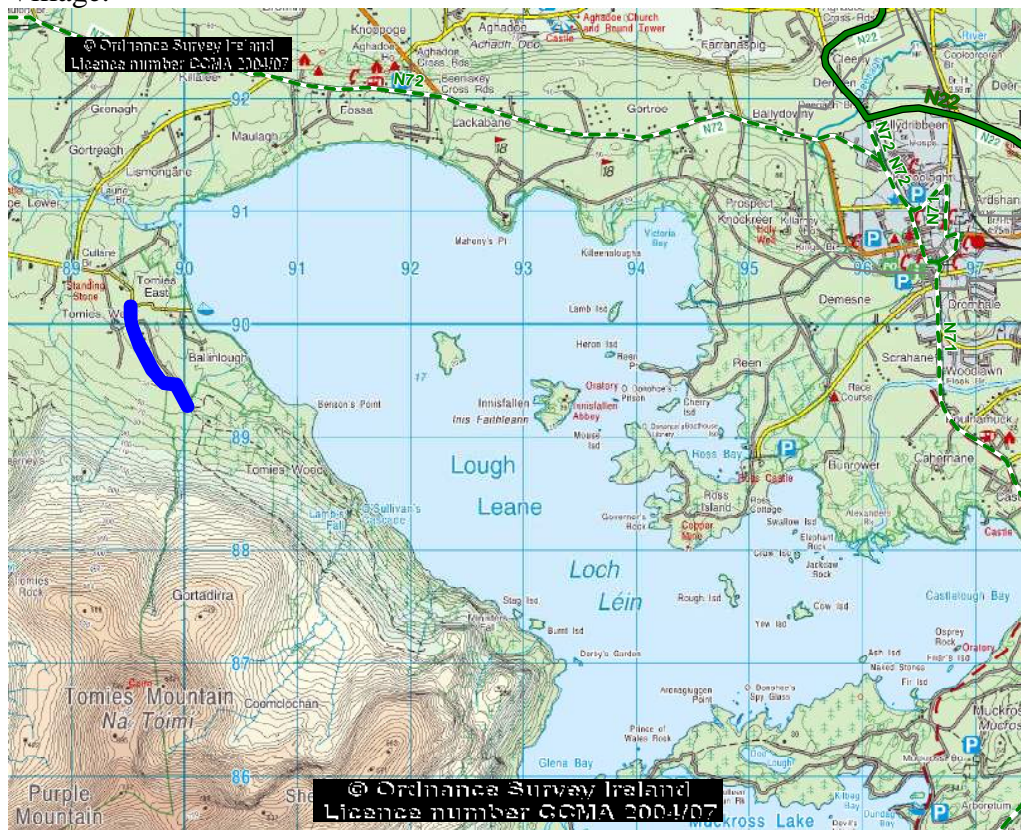
The proposed development is designed to improve public access to Tomies Wood where there is looped walk and a spur pathway to O' Sullivan's Cascade and to provide improved parking facilities.

## Description of Site and Surroundings

The proposed access road is to be constructed mainly through agricultural land which is used primarily as rough grazing. The end of the access road is through NPWS lands and the proposed car park is located in a clearing at the edge of Tomies Wood.

## **Site Location Map**

The site is located in a rural area to the west of Lough Leane about 3km south-west of Fossa Village.







Aerial Photograph of application site and adjacent properties.

### Site notices

Two site notices were in place, legible and correctly worded on the day of the site inspection. The first was located at the northern end of the proposed access road at its junction with the public road and the second site notice was located at the proposed car park at the southern end of the proposed access road. Site notices were also erected at the same locations following receipt of significant further information.



Site Notice at junction of proposed access road with the public road.





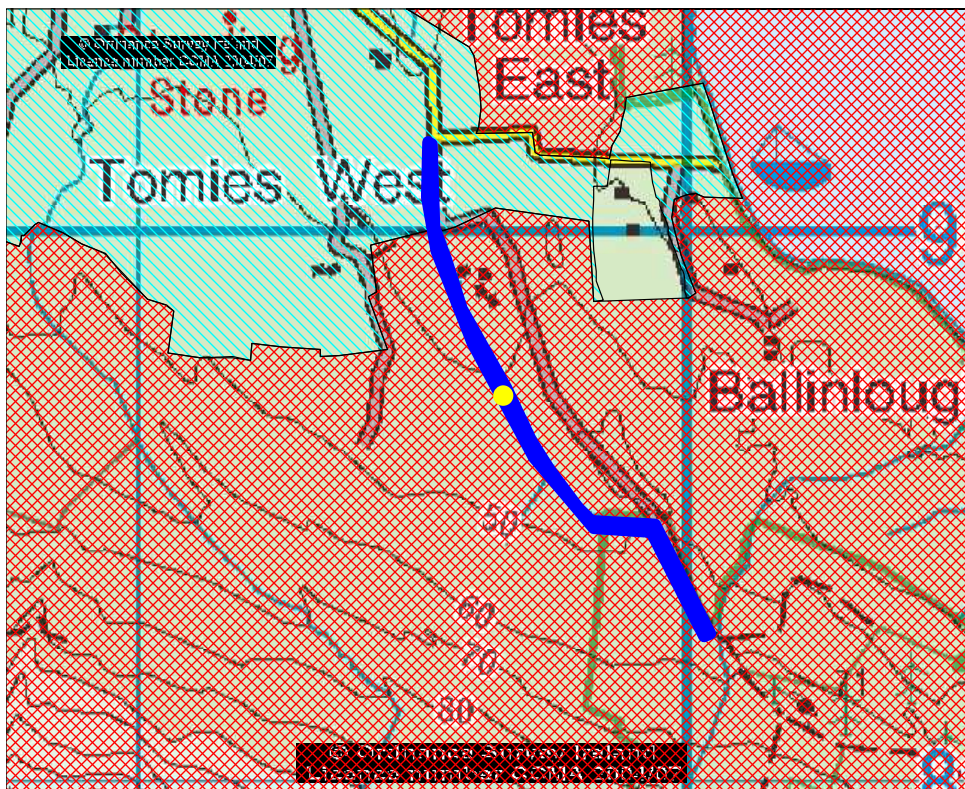
Site Notice at proposed car park

### **Pre-Planning Consultation**

A pre-planning meeting was held on site on 10/09/2013 which was attended by Mr Pat Dawson, (NPWS), Frank Coffey (Agent) and Michael Lynch (Planning Dept, KCC) when the proposed works and their location were described.

### **Zoning and Designations**

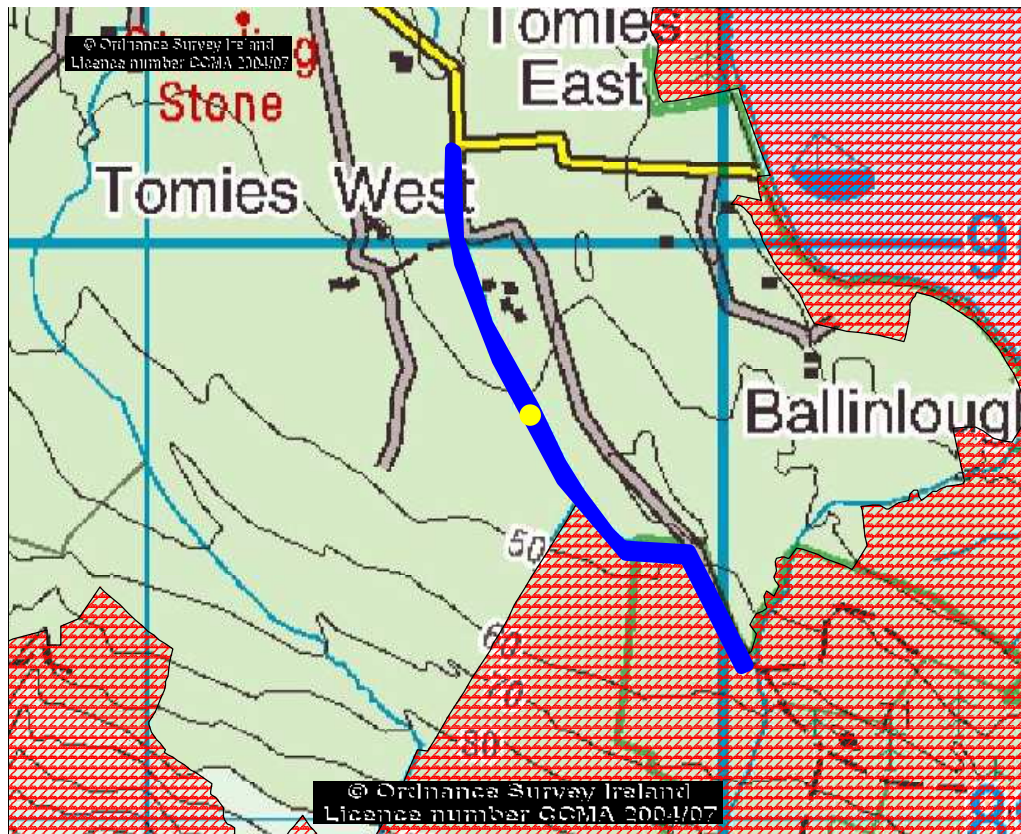
The site is located mainly in an area zoned Rural Prime Special Amenity with part of the northern end of the proposed access road located in an area zoned Rural Secondary Special Amenity in the Kerry County Development Plan 2009-2015.



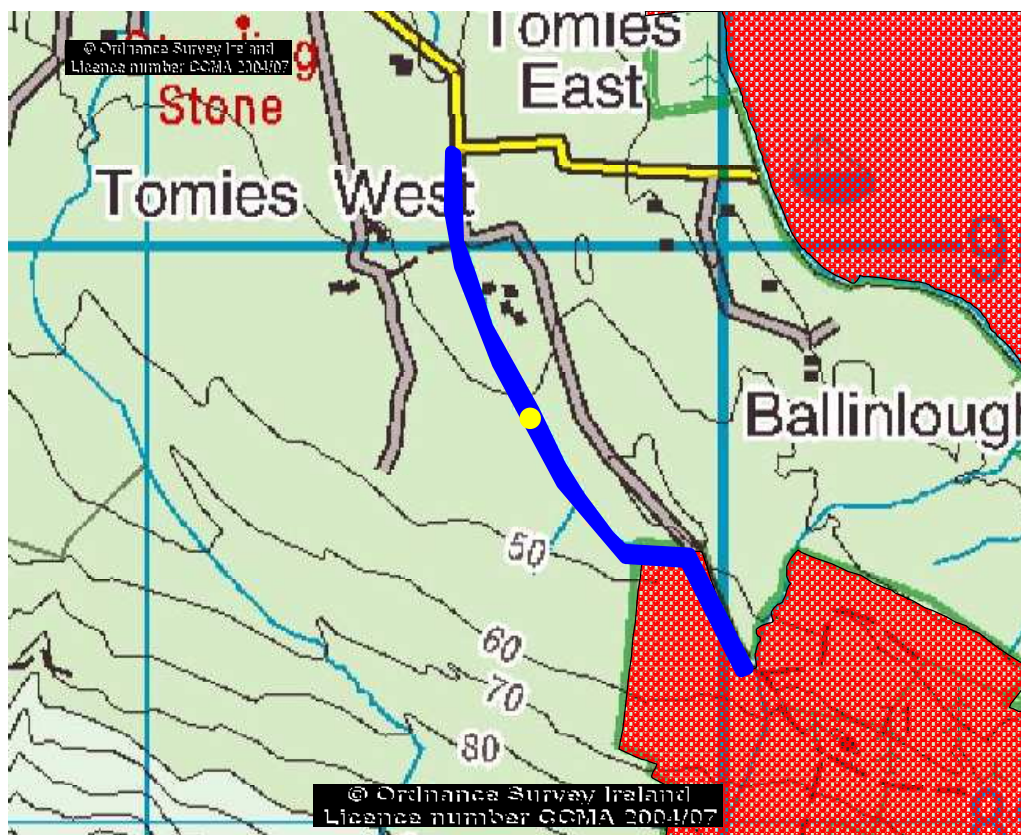
Zoning Map

Where the proposed work are on Killarney National Park lands (the southern end of the proposed access road and the proposed car park), the lands are designated within the Killarney National Park, McGillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (SAC) and Killarney National Park Special Protection Area (SPA)





Killarney National Park, McGillycuddy's Reeks and Caragh River Catchment SAC



Killarney National Park SPA

## Relevant Planning History

The proposed access road crosses the entrance to the site of the following planning application:

Planning Register No: 08/877

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

Proposed Development: DEMOLISH EXISTING DERELICT DWELLING AND CONSTRUCT A DWELLING HOUSE AND GARAGE ALONG WITH A SEPTIC TANK AND PERCOLATION AREA, UPGRADE EXISTING ACCESS ROAD AND COMPLETE ALL ANCILLARY SITE WORKS

Kerry County Council decision to grant permission was upheld by An Bord Pleanála following a third Party Appeal. Subsequently, KCC granted an Extension to the Appropriate Period – grant of permission expires on 21/01/2019.

## Development Plan and Other Policy

The site is located in a rural area which is zoned Prime and Secondary Special Amenity and which is located in partly in an area designated as SAC and SPA.

The following policies and objectives of the Kerry County Development Plan 2009-2015 are relevant to the assessment of this planning application.

### Overall Objectives

**OS 2-1** Provide an improved quality of life for all the citizens of the area by promoting the area's economic potential, protecting its natural and built environment and safeguarding its cultural heritage.

**OS 2-2** Provide for the development of the area in a manner which is sustainable and protects its social, cultural, environmental and economic assets for future generations and is compliant with relevant EU and national legislation.

**OS 2-11** Protect the landscape of the County as an economic asset in addition to its intrinsic beauty and amenity value.

**OS 2-14** To protect and promote the natural biodiversity of the County through development management and as a core principle of policy formulation.

### Tourism Objectives

**T 6-2** Protect and conserve those natural, built and cultural heritage features that form the basis of the County's tourism industry, including areas of important landscape, coastal scenery, areas of important wildlife interest, historic buildings and structures and the traditional form and general appearance of towns and villages.

**T 6-5** Promote the development of tourism in a sustainable manner and encourage the provision of a comprehensive range of tourism facilities, subject to location, siting and design criteria, the protection of environmentally sensitive areas and other planning considerations.

**T 6-6** Promote the development of tourist related infrastructure such as transport, access and high-quality tourist accommodation, where proposals are in accordance with the provisions of this plan.

**T 6-13** Protect the natural resources upon which tourism is based including landscape character, bogs; water quality and biodiversity and sites of geological and geomorphological importance.

**T 6-14** Promote the growth of the County's 'nature and heritage' sector combining outdoors activities such as walking, rambling and cycling and adventure with specialised wellness centres and facilities.

**T 6-19** Encourage the sustainable and appropriate use of mountains, moor lands and forests, valleys and lakes, for activities such as hill walking and nature related activities, in co-operation with state agencies, landowners and other interested bodies and local community groups. In this regard, the Council shall, subject to financial resources, improve

access and create public rights of way where appropriate.

**T 6-20** Support and promote, with the co-operation of private landowners, appropriate public access to heritage sites and features of archaeological interest, coastal areas, mountains, rivers, lakes and other natural amenities.

### Natural Resources Objectives

**NR 7-20** Encourage the development of forest parks, viewing areas, parking areas and other tourist related amenities within afforested areas. It is also an objective to co-operate with the relevant government and statutory bodies in their establishment.

### Social, Community, Culture, Recreation, Amenity and the Gaeltacht Objectives

**SG 9-27** Co-operate with representative bodies in order to support the development, maintenance and enhancement of walking routes throughout the county in an environmentally sustainable way.

**SG 9-32** Promote and protect the following where appropriate

- ☐ Local looped walks.
- ☐ Access to features and views of special interest,
- ☐ Walks for the less active walker and facilities for people with disabilities, family friendly walks & wheelchair accessible walks.

### Natural Environment Objectives

**EN 11-4** Promote the interaction of the public with the environment through environmentally sustainable projects which can improve access without detriment to the environment.

#### **EN 11-22 EU and National Designations**

- (a) Ensure that development likely to have serious adverse effects on the areas listed will not normally be permitted. The designation of sites does not imply a total restriction on all development. Applicants must demonstrate that the proposed development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment under Article 6 of the Habitats Directive which is a requirement for development proposals affecting European Sites.
- (b) Ensure that any development proposal in the vicinity of or affecting in any way a designated European Site or NHA provides sufficient information showing how its proposals will impact on the designated site. Appropriate mitigation measures must be indicated.

#### **EN 11-23 Special Areas of Conservation**

Maintain the conservation value of those sites as defined in the Planning & Development Act 2000 (Special Areas of Conservation, Special Protected Areas or Lands Proposed for inclusion in such sites) identified by The National Parks and Wildlife Service of the Department of Environment, Heritage & Local Government, as well as any other sites that may be so designated during the lifetime of this plan.

#### **EN 11-24 Special Protection Areas**

Maintain the conservation value of those European sites as defined in the Planning & Development Act 2000 (Special Areas of Conservation, Special Protected Areas or Lands Proposed for inclusion in such sites) selected by The National Parks and Wildlife Service of the Department of Environment, Heritage & Local Government, as well as any other sites that may be so designated during the lifetime of this plan

#### **EN 11-29 Biodiversity**

Ensure that proposals for development protect and enhance biodiversity, wherever possible, by minimizing adverse impacts on existing habitats and by including mitigation and /or compensation measures ,as appropriate , which ensure that biodiversity and landscape character is maintained.

## Zoning and Landscape Objectives and Policies

**ZL 12-1** Protect the landscape of the county as a major economic asset as well as for its invaluable amenity value and beauty.

### ***Rural Prime Special Amenity***

12.2.7 Rural Prime Special Amenity Areas are those landscapes which are very sensitive and have little or no capacity to accommodate development. In these areas all development will be prohibited, other than exempted development in accordance with Schedule 2 of the Planning & Development Regulations 2001-2007.

### ***Rural Secondary Special Amenity***

12.2.8 The landscape of areas in this designation is generally sensitive to development. Accordingly, development in these areas must be designed so as to minimise the effect on the landscape. Proposed developments should in their designs take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

## **Reports**

### (1) Biodiversity Officer, Kerry County Council

Initial Report is dated 01/05/2014. The planning application is supported by 2 no. Natura Impact Assessments (NIS) and an Ecological Report. The first NIS deals with Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment SAC and Castlemaine Harbour SAC and the second deals with Killarney National Park SPA. An Appropriate Assessment was carried out on the two Natura Impact Statements which concludes that adverse affects on the integrity of the SACs and the SPA cannot be ruled out owing to concerns raised by Inland Fisheries Ireland regarding the width of the buffer strip to be provided between the proposed access road and the existing stream flowing alongside.

The Ecological Report assesses the impact of the proposed works on habitats and species outside those designated as part of Natura 2000 sites. No likely significant affects were identified. The Biodiversity Officer recommends that all mitigation measures set out in the Natura Impact Statements and Ecological Report should be implemented and that an ecological clerk of works or manager with appropriate ecological experience should oversee the environmental management of the construction works.

Following assessment of the applicant's further information submission, a second report by the Biodiversity Officer is dated 26/11/2014. The further information submission includes an improved proposal for the provision of a buffer strip between the proposed access road and the existing watercourse which is to the satisfaction of Inland Fisheries Ireland. The up-dated Appropriate Assessment undertaken by the Biodiversity Officer concludes that the proposed development is unlikely to cause adverse affects on the integrity of the Natura 2000 sites – see Appendix attached to this report. It is recommended that all mitigation proposed by the applicant should be made a condition of any grant of planning permission.

### (2) Environment Dept, Kerry County Council – report dated 23/04/2014

Conditions recommended to be attached to any grant of planning permission in order to prevent water pollution.

### (3) Fire Officer, Kerry County Council – report dated 03/04/2014.

Report states that the Fire Authority has no objection to the application



## **Submissions/Observations received following publication of planning notices by applicant**

A total of 16 no. submissions were received from 11 different parties, most of which objected to the proposed development. The issues raised are summarised as follows.

1. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* Tomies West, Beaufort – received on 04/04/2014

In favour of proposed development but concerned that proposed works may increase threat of flooding of residence close to and downstream of the site.

2. Environmental Health Dept, HSE, Edward St, Tralee - received on 11/04/2014  
No comments to make from an environmental health perspective.

3. Friends of the Irish Environment, Kilcatherine, Eyeries, Co Cork – received on 11/04/2014

Objection to proposed development on the basis that the works would undermine the objectives of the Killarney National Park Management Plan 2005-2009. Sensitive and valuable area of natural wilderness, which is designated for protection, would be put at risk by the access for visitors and the measures to combat the potential damage that the proposal entails.

4. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 14/04/2014

Objection on a number of grounds.

- (a) Access road is on land owned by objectors
- (b) OPW has road along shore of L Leane which accesses Tomies Wood
- (c) Sensitive site with SAC and SPA designation
- (d) No consultation was carried out with adjoining land owners
- (e) NPWS would have difficulties in managing fences, traffic and pollution.

5. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 14/04/2014

Objection on a number of grounds.

- (a) Concerns re impact on environment due to construction works
- (b) Project unjustified – parking issue in area only at week-ends
- (c) Proposed development would cause air pollution
- (d) Proposed development is linked to proposal to develop a circular walk around Lough Leane

6. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* Tomies, Beaufort – received on 14/04/2014

Objection on similar grounds to No. (4) above.

7. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 14/04/2014

Objection on a number of grounds.

- (a) Disgusted with proposal to cover prime wildlife SAC habitat with tar
- (b) Proposed car park would be used for illegal dumping and by deer poachers
- (c) More suitable site for car park may be available close to Lough Leane
- (d) Commercial boats on L Leane already take tourists to see O' Sullivan's Cascade

8. An Taisce, Kerry Association, 5 Glenashe, Killorglin – received on 15/04/2014  
Concerns raised on the following issues:

- (a) Proposed car park will result in increase in visitors to Tomies Wood which would lead to littering and dumping in the National Park, illegal harvesting of holly at Christmas, damage to valuable ecosystems, anti-social behaviour at night, fire threat to woodland and disturbance to wildlife.
- (b) New road will be costly to construct.
- (c) A better alternative would be to develop car park near public road lay-by and

- construct new walking track from there to Tomies Wood
9. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 15/04/2014  
Objects to project on numerous grounds as follows.
- (a) New road would diminish sense of wilderness of the area, create a negative visual impact, introduce traffic noise and would not be a safe and pleasant place to walk.
  - (b) Car park would compromise integrity and amenity value of Tomies Wood, attract anti-social behaviour at night and cause air pollution.
  - (c) Dogs would cause disturbance to wildlife and control of dogs would be difficult to enforce.
  - (d) Public road approaching site is too narrow.
  - (e) Project would conflict with conservation objectives of Killarney National Park
  - (f) Better compromise would be to develop car park close to public road and a narrow walking track to the wood.
10. Inland Fisheries Ireland – received on 06/05/2014  
IFI was consulted by applicant prior to submission of application regarding minimising sediment and other polluting discharges during construction works. Proposal in application to provide 1 metre wide buffer between the stream and the proposed access road is considered inadequate by IFI. Recommendation to request further information regarding the construction works.
11. Inland Fisheries Ireland – received on 14/10/2014  
Second submission made following receipt of response to request for further information. Additional provision by applicant to protect surface waters during construction in revised proposal is noted by IFI – conditions recommended to be attached to any grant of permission.
12. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 31/10/2014  
Having assessed additional works proposed by the applicant to alleviate flooding threat in FI submission, concerns still remain regarding lack of maintenance of piped culverts which leads to build-up of debris.
13. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 04/11/2014  
Considers that proposals to provide bollards and barriers in order to control access to car park is not workable.
14. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 07/11/2014  
Previous observations have not been addressed and alleged illegal issues with application have not been investigated.
15. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 07/11/2014  
As (14) above.
16. Killarney Nature Conservation Group, 30 O' Kelly's Villas, Killarney – received on 07/11/2014  
Proposal would breach guidelines for National Parks and would facilitate loop walk around L Leane.

#### **Submissions/Observations received following publication of Material Contravention notices by Kerry County Council**

1. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 23/12/2014  
Not in favour of interference with County Development Plan.
2. Environmental Health Dept, HSE, Edward St, Tralee - received on 30/12/2014

No observations

3. An Taisce, Kerry Association, 5 Glenashe, Killorglin – received on 02/01/2015  
Submission repeats concerns raised in submission received on 15/04/2014.

4. Killarney Nature Conservation Group, 30 O' Kelly's Villas, Killarney –  
received on 05/01/2015

Submission repeats concerns raised in submission received on 07/11/2014.

5. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* received on 05/01/2015

(a) Proposal would increase visitor numbers to important woodland site resulting in disturbance to wildlife, use of area by off-road mountain bikers, negatively impact on ground flora and additional pressure to open up more remote areas of National Park.

(b) Conditions recommended if decision to grant planning permission.

6. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 05/01/2015

(a) Proposed development would increase the numbers of people, dogs, cyclists and motorised vehicles into part of the National Park.

(b) Increased risk of accidents at access to O' Sullivan's Cascade.

7. Friends of the Irish Environment, Kilcatherine, Eyeries, Co Cork – received on 05/01/2015

a. Project would undermine Ireland's commitment to abide by the criteria and standards for National Parks

b. Increase access to National Park and facilitate illegal activities such as deer poaching and removal of holly

c. Cause ecological disruption

d. Car park would be better located close to public road in order to monitor for littering and vandalism

e. No survey was carried out on current or anticipated usage of access to Tomies Wood

f. Sensitive and valuable areas of natural wilderness would be put at risk.

8. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* – received on 05/01/2015

Submission in support for project as it would provide safe infrastructure in a planned manner for an existing use.

9. *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* - received on 05/01/2015

Proposal would materially contravene the Kerry County Development Plan

## SUB-THRESHOLD EIA SCREENING REPORT

### 1. Characteristics of development

Size	Medium scale development – approx 1Ha.
Accumulative impacts with other developments / projects	It is noted that there is a low level of existing and permitted development in the area.  Potential for permanent cumulative impacts in relation to landscape, water quality and road safety.
Use of natural resources	Soil overburden to be removed from part of site.
The production of wastes	No large-scale wastes generated.  Generation of surface water run-off will be associated with operational phase.
Pollution and nuisances	• No significant nuisances anticipated

	<ul style="list-style-type: none"> <li>• Slight risk of small scale spillage of oils / hydrocarbons during construction phase</li> <li>• Slight to moderate risk of small scale sediment loss at construction stage to nearby watercourse</li> </ul> <p>The above risks are not considered to be difficult to avoid or reduce and are not overly complex.</p>
The risk of accidents having regard to substances or technologies used	No hazardous activity on site posing a significant risk to a habitat or human environment.
<b>2. Location of Proposed Development</b>	
Existing land use	Agriculture and National Park
Previous land use	As above
Relative abundance, quality and regenerative capacity of natural resources in the area	<p>Soil overburden to be removed - regenerative capacity minimal.</p> <p>Area affected is not considered to be significant within the context of the relative abundance of these resources in the area.</p>
<p>The existing environment and absorption capacity of the natural environment, paying particular attention to the following areas:</p> <ul style="list-style-type: none"> <li>○ Wetlands</li> <li>○ Coastal zones</li> <li>○ Mountain and forest areas</li> <li>○ Nature reserves and parks</li> <li>○ Natura 2000 sites</li> <li>○ Areas in which environmental quality standards laid down by the EU have already been exceeded</li> <li>○ Densely populated areas</li> <li>○ Landscape of historical, cultural or archaeological significance</li> </ul>	<p>This proposed project is a medium-scale development.</p> <p>The lands in question are zoned Rural Prime Special Amenity and Rural Secondary Special Amenity.</p> <p>A number of environmentally sensitive sites are located in the wider area, including Natura 2000 sites, wetlands, lands designated for landscape and archaeological purposes and mountain / forest areas. It is considered that these are unlikely to be significantly affected by way of a proposal of this nature at this location.</p> <p>It should be noted that a separate AA Screening Report is being prepared in relation to this proposal.</p>
<b>3. Characteristics of Potential Impacts</b> The potential significant effects of the proposed development in relation to the criteria set out in 1 & 2 above and having particular regard to:	
Extent of the Impact (geographical area and size of affected population)	Generally limited to the development site itself and its immediate vicinity. However, the potential for water quality impacts extends to the wider water catchment.

Transfrontier nature of the impact	None.
Magnitude and complexity of the impact	Main impacts include potential for pollution events to adjoining and downstream watercourses and potential for impacts on landscape.
Probability of the impact	Low to moderate. No significant impacts anticipated.
Duration, frequency and reversibility of the Impact	<p>Construction risks (hydrocarbon spillages, sediment loss etc) and nuisances (noise etc) are likely to be temporary in nature.</p> <p>More long term impacts will be associated with the permanent and operational aspects of the project (water quality impacts, noise etc).</p> <p>No significant impacts anticipated.</p>

#### 4. Recommendation and conclusion

For the most part significant effects (which are local to the site) resulting from the proposed project are not considered to be likely in this instance. Having regard to the above and in particular to the nature, scale and location of the proposed project, it is considered that an EIA is not required in this instance and that remaining concerns can be adequately addressed without the need for a full EIA.

#### Assessment of application

1. Kerry County Development Plan 2009-2015 (CDP).  
The site is located mostly on lands zoned Rural Prime Special Amenity in the CDP where it is the policy of the Planning Authority that all development will be prohibited. The proposed development comprises the development of a new vehicular access road connecting the public road at Tomies West to Tomies Wood in Killarney National Park and the development of a car park with 28 spaces in a clearing at the edge of the wood. At present, access by visitors to Tomies Wood is available on foot only through private lands. Visitors must park in an unsurfaced lay-by at the side of the public road where there is space for only about 10 cars. Therefore, the project would provide improved infrastructure for the use of visitors, both locals and tourists, to the looped forest walk in Tomies Wood off which is a path leading to O' Sullivan's Cascade. Such a development would comply with several objectives set out in the CDP in relation to improving the quality of life of the citizens of the county, developing tourist infrastructure, promoting outdoor activities and enhancing access to sites of special interest.
2. Traffic  
The development of the new car park would eliminate the need for visitors to Tomies Wood to park their vehicles in the unsurfaced lay-by at the edge of the public road as is currently required and would, therefore, enhance public safety. The junction of the new access road with the public road is designed such that adequate sightlines would be available having regard to the ambient speed of traffic on the public road.
3. Visual Impact  
It is considered that the proposed development would not create a significant visual impact owing to the nature of the development.

4. Impacts on adjoining properties

It is considered that the proposed development would not cause any negative impacts on the amenities of properties in the vicinity of the site. It could be argued that the new road would constitute a positive measure for the residents of dwelling houses on the existing route into Tomies Wood as it would divert pedestrian traffic away from their houses.

5. Ecological impacts

Appropriate Assessment concludes that the proposed development is unlikely to cause adverse impacts on Natura 2000 sites. No significant impacts are anticipated on any sensitive habitats in the vicinity provided that the works are carried out in accordance with the details submitted and that all mitigation measures are implemented.

6. Water pollution

The principal threat to surface water quality is identified from possible sediment loss at construction stage owing to the proximity of the new access road to a water course and the need to culvert the watercourse over a short distance. Applicant has liaised with Inland Fisheries Ireland and designed the works and prepared a method statement which, if fully implemented, will protect surface water quality.

7. Submissions

It is considered that the main concerns raised in third party objections regarding environmental impacts have been addressed by the applicant in terms of the carrying out of the works and the subsequent management of the road and car park.

A number of submissions suggest that the car park would be better located near the public road. In the response to request for further information, the applicant states that the preferred location for the car park was close to the existing lay-by but the required land could not be purchased at this location.

Objections received also claim that part of the proposed access is shown on lands owned by the objectors. However, no land registry details were furnished to substantiate the claim. Any dispute by the applicant and objectors in relation to land ownership is a civil matter between the parties.

**Recommendation**

Grant planning permission subject to conditions

**FIRST SCHEDULE**

Having regard to the nature, extent and location of the proposed development and to any submissions received in relation to the application, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or of properties in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**

The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 12/03/2014 and 18/09/2014 except for any alterations or modifications specified in this decision.

**Reason: To regulate and control the layout of the development.**

The contractor employed to undertake the works shall submit to Inland Fisheries Ireland a method statement on road construction, river diversion and culvert placement detailing methods of construction and mitigation measures to be employed to prevent water pollution and habitat damage. A copy of the written agreement to the method statement by Inland Fisheries Ireland shall be submitted to the Planning Authority prior to commencement of development.

**Reason: To prevent water pollution and to protect sensitive habitats**

Any works liable to affect surface waters or the aquatic habitat shall not be undertaken during the months of October to April.

**Reason: To prevent water pollution and to protect sensitive habitats**

Electrofishing or other Inland Fisheries Ireland approved fish removal method shall be undertaken to facilitate stream diversion and culvert placement.

**Reason: To protect the aquatic habitat.**

All surface water runoff from the proposed car park shall be routed through a suitably designed and maintained petrol interceptor. The petrol interceptor shall be fitted with an alarm to ensure that the petrol fraction collected in the interceptor is emptied when required.

**Reason: To prevent water pollution and to protect sensitive habitats**

All mitigation measures outlined in the Natura Impact Statements and the Ecological Report submitted with the planning application shall be implemented during construction works and post-construction, where applicable.

**Reason: To prevent pollution and to protect sensitive habitats**

An Ecological Clerk of Works or manager with appropriate ecological experience shall oversee the environmental management of the construction works to ensure implementation of environmental mitigation measures.

**Reason: To prevent pollution and to protect sensitive habitats**

Access to the new road and car park shall be controlled by suitably placed bollards/barriers. The design and location any bollards/barriers and associated signage shall be agreed in writing with the Planning Authority prior to commencement of development.

**Reason: In the interests of orderly development**

*We the undersigned:*

*L Brosnan A.O. Planning*

*M Lynch Senior Executive Engineer*

*P Stack Senior Engineer*

*Date 21/01/2015*

## Appendix

### Appropriate Assessment Report

<b>Planning Reference Number:</b>	<b>14134FI</b>
Description of the proposed development (including a brief outline of its nature and size):	Tomies wood proposed car park and access track.
Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site	NO  (if yes, following consultation and agreement with NPWS, then proceed directly to 4(a))

#### 1. Proposed development site location relative to that of Natura 2000 Sites

<p>Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site</p>	<p>The following Natura 2000 sites are within or partially within 15km of the development site (distance from Natura 2000 site to proposed development in brackets):</p> <p>cSAC:</p> <ul style="list-style-type: none"> <li>• Killarney National Park, Macgillicuddy Reeks and Caragh River Catchment (within)</li> <li>• Castlemaine Harbour cSAC (downstream of development)</li> <li>• Sheheree Bog (9km)</li> </ul> <p>SPA:</p> <ul style="list-style-type: none"> <li>• Killarney National Park (within)</li> <li>• Castlemaine Harbour (13km)</li> <li>• Erik Bog (12km)</li> </ul> <p>Due to the location of the development, lack of hydrological pathways and ecological linkages between the development site and Natura 2000 sites or the distance between the proposed development and Natura 2000 sites, sites considered most likely to be potentially significantly affected are listed below.</p> <p>SAC</p> <ul style="list-style-type: none"> <li>• Killarney National Park, Macgillicuddy Reeks and Caragh River Catchment (within)</li> <li>• Castlemaine Harbour cSAC (downstream of development)</li> </ul> <p>SPA:</p> <ul style="list-style-type: none"> <li>• Killarney National Park (within)</li> </ul> <p>The Natura 2000 sites most likely to be potentially affected by the proposed development are described in greater detail below.</p>
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**Table 1 The cSAC sites most likely to be potentially affected by way of the current proposal.**

cSAC Site Name and Code	Qualifying Interests		Conservation Objectives	Environmental conditions necessary to support site integrity
<b>Killarney National Park, Macgillicuddy's Reeks And Caragh River 000365</b>	<ul style="list-style-type: none"><li>● Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</li><li>● Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoto-Nanojuncetea [3130]</li><li>● Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li><li>● Northern Atlantic wet heaths with Erica tetralix [4010]</li><li>● European dry heaths [4030]</li><li>● Alpine and Boreal heaths [4060]</li><li>● Juniperus communis formations on heaths or calcareous grasslands [5130]</li><li>● Calaminarian grasslands of the Violetalia calaminariae [6130]</li><li>● Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li><li>● Blanket bog (*active only) [7130]</li><li>● Depressions on peat substrates of the Rhynchosporion [7150]</li><li>● Old sessile oak woods with Ilex and Blechnum in British Isles [91A0]</li><li>● *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</li></ul>	<ul style="list-style-type: none"><li>● Kerry slug (Geomalacus maculosus) [1024]</li><li>● Freshwater pearl mussel (Margaritifera margaritifera) [1029]</li><li>● Marsh fritillary (Euphydryas aurinia) [1065]</li><li>● Sea lamprey (Petromyzon marinus) [1095]</li><li>● Brook lamprey (Lampetra planeri) [1096]</li><li>● River lamprey (Lampetra fluviatilis) [1099]</li><li>● Twaite shad (Alosa fallax fallax) [1103]</li><li>● Salmon (Salmo salar) [1106]</li><li>● Lesser horseshoe bat (Rhinolophus hipposideros) [1303]</li><li>● Otter (Lutra lutra) [1355]</li><li>● Killarney fern (Trichomanes speciosum) [1421]</li><li>● Slender naiad (Najas flexilis) [1833]</li></ul>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]; Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoto-Nanojuncetea [3130]; Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]; Northern Atlantic wet heaths with Erica tetralix [4010]; European dry heaths [4030]; Alpine and Boreal heaths [4060]; Juniperus communis formations on heaths or calcareous grasslands [5130]; Calaminarian grasslands of the Violetalia calaminariae [6130]; Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]; Blanket bog (*active only) [7130]; Depressions on peat substrates of the Rhynchosporion [7150]; Old sessile oak woods with Ilex and Blechnum in British Isles [91A0]; Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]; Taxus baccata woods of the British Isles [91J0]; Twaite shad (Alosa fallax fallax) [1103]; Salmon (Salmo salar) [1106]; Lesser horseshoe bat (Rhinolophus hipposideros) [1303]; Otter (Lutra lutra) [1355]; Killarney fern (Trichomanes speciosum) [1421]; Slender naiad (Najas flexilis) [1833]</p> <p><b>Source:</b> NPWS (2011) Conservation</p>	<p>Habitat Management (control of drainage, grazing / mowing, burning, fertiliser / lime input, reseeding, fishing, dumping, tree felling, killing / removal of significant biological material, pesticide use etc)</p> <p>No significant erosion / trampling associated with human impacts (drainage, fires, peat extraction, livestock grazing, motorised vehicles, recreational activities etc).</p> <p>Adequate water supply</p> <p>Adequate water quality (limited sediment input, limited nutrient input etc)</p> <p>Limited alteration of the banks, bed or flow of watercourses</p> <p>No change in land use which would result in significant habitat loss or fragmentation (human activities such as reclamation, afforestation / commercial forestry, deforestation, peat extraction, development, track / roadway provision etc)</p> <p>No significant loss of bat roosting sites or of woodland / scrub / hedgerows located in the vicinity of roosting sites</p> <p>Limited disturbance (light, noise, human activity including recreational pressure, camping etc)</p> <p>The control of fish stocking and introduced or invasive species (Rhododendron, Zebra Mussel, bracken etc)</p> <p>Maintain natural regeneration and diverse vegetation structure</p> <p>Presence of suitable quiet stretches of river for Otters</p> <p>No artificial barriers significantly impairing adult salmon and lamprey from reaching existing and historical spawning grounds and smolts from reaching the sea</p> <p>No significant aggregate extraction</p>

cSAC Site Name and Code	Qualifying Interests		Conservation Objectives	Environmental conditions necessary to support site integrity
	<ul style="list-style-type: none"> <li>*Taxus baccata woods of the British Isles [91J0]</li> </ul>		<p>objectives for Killarney National Park, Macgillicuddy's Reeks and Caragh River</p> <p><b>Catchment SAC [000365]. Generic Version 3.0. Department of Arts, Heritage &amp; the Gaeltacht.</b></p>	
<b>Castlemaine Harbour</b> <b>000343</b>	<ul style="list-style-type: none"> <li>Estuaries [1130]</li> <li>Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>Annual vegetation of drift lines [1210]</li> <li>Perennial vegetation of stony banks [1220]</li> <li>Salicornia and other annuals colonizing mud and sand [1310]</li> <li>Spartina swards (Spartinion maritimae) [1320]</li> <li>Atlantic salt meadows (Glaucio-Puccinellietalia maritimae) [1330]</li> <li>Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>Embryonic shifting dunes [2110]</li> <li>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</li> <li>*Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> <li>Dunes with Salix repens ssp.argentea (Salix arenariae) [2170]</li> <li>Humid dune slacks [2190]</li> <li>*Alluvial forests with Alnus glutinosa and</li> </ul>	<ul style="list-style-type: none"> <li>Sea lamprey (Petromyzon marinus) [1095]</li> <li>River lamprey (Lampetra fluviatilis) [1099]</li> <li>Salmon (Salmo salar) [1106]</li> <li>Otter (Lutra lutra) [1355]</li> <li>Petalwort (Petalophyllum ralfsii) [1395]</li> </ul>	<p><b>The Conservation objectives for each qualifying interest in Castlemaine SAC have been defined in detail. Conservation objectives are defined by attributes, measures and targets.</b></p> <p><b>For Annexed species this includes population numbers for adults and juveniles; population structure; availability of suitable habitat and spawning grounds. For Annexed habitats attributes/measures/targets include habitat area; community extent and composition; vegetation structure and composition; zonation and negative indicator species.</b></p>	<p>Habitat Management (control of drainage, aquaculture, fishing, grazing / mowing, burning, fertiliser / lime input, reseeding, dumping, tree felling, killing / removal of significant biological material, pesticide use etc)</p> <p>No significant erosion / trampling / accretion associated with human impacts (fires, livestock grazing, motorised vehicles, recreational activities etc).</p> <p>Adequate water supply</p> <p>Adequate water quality (limited sediment input, limited nutrient input etc)</p> <p>Limited alteration of the banks, bed or flow of watercourses</p> <p>Presence of suitable quiet stretches of river for Otters</p> <p>No artificial barriers significantly impairing adult salmon and lamprey from reaching existing and historical spawning grounds and smolts from reaching the sea</p> <p>No change in land use which would result in significant habitat loss or fragmentation (land improvement / reclamation, development etc)</p> <p>Limited disturbance (light, noise, human activity including recreational pressures such as motorised and non motorised vehicle use, walking, horse riding, bait digging etc)</p> <p>The control of introduced or invasive species</p> <p>Maintain natural regeneration and diverse vegetation structure of the woodlands</p> <p>Limited dredging activities</p> <p>No significant aggregate extraction</p> <p>No physical barriers to significantly restrict movement of sand and communities associated with mobile substrate</p> <p><b>Lack of physical constraints &amp; ability to modify dune distribution in response to natural dynamic coastal processes</b></p>

cSAC Site Name and Code	Qualifying Interests	Conservation Objectives	Environmental conditions necessary to support site integrity
	Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]		

**Table 2 The SPA sites most likely to be potentially affected by way of the current proposal**

SPA/pSPA Site Name and Code	Special Conservation Interest	Conservation Objectives	Environmental conditions necessary to support site integrity
Killarney National Park 004038	Merlin Greenland White-fronted Geese	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	Habitat Management (control of drainage, grazing / mowing, erosion etc) Adequate water quality No change in land use which would result in significant habitat loss or fragmentation (human activities such as land improvement / reclamation etc) Limited disturbance (noise, motorised vehicles, human activity including recreational pressure etc) <b>The control of introduced or invasive species such as Rhododendron.</b>

## 2. Specialist reports, advice and recommendations received (if any)

<p>Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate)</p>	<p>The applicant submitted two Natura Impact Statements as part of the application.</p> <p>Information provided by the applicant in the NIS has been used in this report to assess if the proposed development shall adversely affect the integrity of a European site.</p> <p>The planning application is by NPWS. IFI made a submission on the application. IFI expressed concerns that the 1m buffer proposed between the new road/car park and existing stream would be inadequate for the protection of the watercourse during construction works. Requested that the buffer be increased to 5m and requested further information on how the watercourse is to be protected.</p> <p>Further to this the applicant submitted redesigned works in relation to the above issues raised by IFI. In consultation with IFI the applicant looked at mitigation for protection of a local watercourse during constructions works.</p>
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## 3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites

<p>Potential significance indicators include:</p>	<p>Potential significance impacts on Natura 2000 sites</p>
<ul style="list-style-type: none"> <li>Reduction / erosion / fragmentation of key habitat(s)</li> </ul>	<p>No direct loss of annexed habitats in the cSAC sites listed above in Section 1. Several coastal, estuarine and halophytic habitats and alluvial woodland habitats not found in proximity to the proposed development.</p> <p>However, possible alterations noted due to indirect effects particularly relating to water quality impacts and impacts from increased usage of Tomies by recreational visitors. The habitat most likely to be effected is old sessile oak woods with Ilex and Blechnum in British Isles and Alluvial forests.</p> <p>No loss of suitable habitat is noted within the SPA. The nature of the habitat is not preferred by the species for which the SPA is designated.</p>
<ul style="list-style-type: none"> <li>Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance)</li> </ul>	<p>Indirect impacts from changes to water quality and increased visitor usage caused by the development could impact on annexed species listed for the cSACs. This includes rare bryophyte species associated with oak woodland of Tomies Wood.</p> <p>Indirect impacts on the birds for which the SPA is designated are considered likely from increased visitor use, specifically in relation to waterbirds and Greenland white fronted geese.</p>
<ul style="list-style-type: none"> <li>Alteration of key environmental conditions (e.g. water quality, water supply, air quality)</li> </ul>	<p>Indirect water quality issues identified in relation to cSACs water dependent species and habitats.</p>
<ul style="list-style-type: none"> <li>Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites</li> </ul>	<p>Japanese Knotweed was recorded on site.</p>

**3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites**

<ul style="list-style-type: none"> <li>Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites</li> </ul>	<p>Indirect impacts from changes to water quality caused by the development could impact on annexed species listed for cSACs.</p> <p>Indirect impacts on the birds for which the SPA is designated are considered likely, specifically in relation to waterbirds and Greenland white fronted geese.</p>
<ul style="list-style-type: none"> <li>Interference with the movement of mobile dune and intertidal Natura 2000 habitats</li> </ul>	<p>Considering the location of the application, impacts to coastal habitats is not applicable.</p>
<ul style="list-style-type: none"> <li>Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects</li> </ul> <p>In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant.</p>	<p>Addressed in both NIS in relation to increased visitor usage of the site. In combination effects on the Killarney National Park , Macgillicuddy Reeks and River Caragh Catchment cSAC assessed in NIS specifically relating to oak woodland. Concluded no overall evidence from similar sites in the cSAC that are regularly used by the public that visitor usage of Tomies Wood is likely to have a cumulative adverse effect on oak woodland.</p> <p>Disturbance from this development and other proposed developments in the environs of Lough Leanne/Tomies wood identified as a possible in combination effect for the SPA.</p>

**4. Conclusion (a, b, c or d)**

(a) The proposed development is directly connected with or necessary to the nature conservation management of a Natura 2000 site	
(b) There is no potential for significant effects to Natura 2000 sites <sup>1</sup>	
(c) The potential for significant effects to Natura 2000 sites cannot be ruled out	<p>Significant effects on Natura 2000 sites cannot be ruled. An appropriate assessment is required.</p> <p>The applicant has submitted a Stage 2 Appropriate Assessment/Natura Impact Statement as part of the original application.</p>
(d) Significant effects to Natura 2000 sites are certain or likely or where potential for significant effects to Natura 2000 sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010	

## Stage 2: Appropriate Assessment

### Assessment of the effects of the project or plan on the integrity of the site<sup>1</sup>

<b>Describe the elements of the project/plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from the screening assessment)</b>	As described in the screening process, significant effects are likely to occur at the construction stage on Natura 2000 sites. These are mainly indirect impacts associated with a potential pollution event on the nearby watercourse upstream of Natura 2000 sites and indirect impacts to annexed habitat (Tomies oak woodland, including rare bryophyte species) and annexed species from increased visitor usage of the woods facilitated by the new access road and parking.
<b>Set out the conservation objectives of the site</b>	See Table 1 and 2 above provided in the screening assessment.
<b>Describe how the project or plan will affect key species and key habitats Acknowledge uncertainties and any gaps in information</b>	Only certain annexed habitats/species of the two cSAC sites are likely to be impacted by the application. Those habitats not considered include several coastal, halophytic and estuarine habitats. Coastal species (petalwort) are also screened out as are alluvial woodlands located further downstream of the proposed development. Impacts on freshwater pearl mussel are ruled out due to the unsuitable nature of the watercourse. Finally impacts on the Kerry slug are ruled out due to no direct impact on suitable habitat. Key species/habitats identified in NIS that may be affected include: old oak woodland, Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche Batrachion</i> vegetation, salmon, Sea/River/Brook Lamprey, Otter and lesser horse shoe bat. In relation to the SPA waterbirds and Greenland white fronted geese are identified as potentially being indirectly disturbed by increased visitor usage of Tomies wood and the environs of Lough Leanne.
<b>Describe how the integrity of the site (determined by structure and function and conservation objectives) is to be affected by the project/plan (e.g loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc) Acknowledge uncertainties and any gaps in information</b>	The main effects to water dependent habitats/species are likely from indirect impacts –due to impacts on water quality at construction stage and possible disturbance/displacement of species at construction. Increased visitor usage could impact on habitats/species in particular oak woodland including rare bryophyte species.
<b>Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site. Acknowledge uncertainties and any gaps in information</b>	Detailed mitigation is provided in the NIS and Ecological Report detailed below.
<b>Result of Consultation</b>	
	A submission from IFI was made on the application. The submission stated that a 1m buffer between the proposed road and the existing stream was inadequate to maintain water quality at construction stage. The FI subsequently submitted addressed the issues raised above in consultation with IFI. IFI made further comments stating that: a construction method statement to be agreed with IFI and contractor prior to works; works to aquatic habitat be undertaken between the months of May to September and IFI approved methods to remove fish be undertaken for diversion works and culvert placement.

<sup>1</sup> Table template is taken from *Assessment of Plans and Projects Significantly Affecting Natura 2000 sites, Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, 2001

### Appropriate Assessment: Mitigation Measures<sup>2</sup>

List of Mitigation Measures	Explain how the measures will avoid/reduce the adverse effects on the integrity of the site	Provide evidence of how they will be implemented and by whom.	Provide Evidence of the degree of confidence in their likely success	Provide timescales, relative to the project/plan when they will be implemented	Explain the proposed monitoring scheme and how any mitigation will be addressed
<b>Runoff and Sediment Control – to include use of silt run-off control/silt curtains</b>	Measures will be implemented to ensure that pollutants/sediment is not deposited within drains/streams. Mitigation is detailed in the NIS to ensure no impact on water dependent habitats and species within the cSAC.	The requirement to implement the sediment control measures will be the responsibility of the applicant. This will be conditioned as part of any grant of permission. Consultation with IFI required at various stages of the development including the drafting of a method statement for construction works by contractor.	These will be conditioned on any grant of application. Compliance and proof of same is required with all planning applications. High degree of confidence if the works are undertaken by suitably qualified operators/supervisors who have the powers to ensure mitigation works are undertaken.	Measures outlined will be required for the duration of the construction stage of the project.	Suitably qualified environmental manager or equivalent will have appropriate skills to maintain and monitor mitigation measures.
<b>Drainage of access road</b>	The location of a drain to the landward side of the road will drain surface runoff from the road and away from the nearby stream. A 1m buffer proposed between the road and stream	This will be the responsibility of the applicant.			
<b>Construction materials</b>	Specific construction materials to be used in the construction works.	This will be the responsibility of the applicant.	These will be conditioned on any grant of application. Compliance and	Measures outlined will be required for the duration of the construction stage	Suitably qualified environmental manager or equivalent will have appropriate skills to maintain and monitor
<b>Disposal of topsoil,</b>	Appropriate disposal of	This will be the responsibility			

<sup>2</sup> Table template is taken from *Assessment of Plans and Projects Significantly Affecting Natura 2000 sites, Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, 2001

<b>peat and subsoil</b>	materials either on or off-site ensuring no effects on local habitats within the cSAC.	of the applicant.	proof of same is required with all planning applications. High degree of confidence if the works are undertaken by suitably qualified operators/supervisors who have the powers to ensure mitigation works are undertaken as appropriate. Certain mitigation to be undertaken in consultation with IFI.	of the project.	mitigation measures. On-going consultation with IFI also required.
<b>Timing of Works</b>	No instream works to stream to occur between the months of April to October. This will prevent any impact on fishery habitat.	This will be the responsibility of the applicant in consultation with IFI.			
<b>Electrofishing/fish removal</b>	Any works required prior to development to be undertaken in consultation with IFI				
<b>Invasive Species control</b>	Measures will taken to ensure invasive species are not spread by the works	This will be the responsibility of the applicant.			
<b>Restricted access and site interpretation</b>	Several recommendations are made to restrict access to certain key habitats within Tomies Wood including O Sullivan's Cascade, Glana Wood and Bog and parts of the Lough Leanne shore	This will be the responsibility of the applicant.	These will be conditioned on any grant of application. Compliance and proof of same is required with all planning applications. Moderate degree of confidence as	Measures outlined will be predominately required post-construction.	Monitoring proposed for bats usage of a ruined building near car park, bryophyte coverage and species diversity at O Sullivan's Cascade and an annual monitoring of Greenland geese. NPWS will oversee monitoring in the medium-long term.



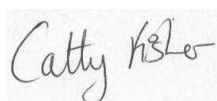
<b>Post – construction monitoring</b>	Several post construction monitoring is recommended including bat use of a ruinous structure, a bryophyte survey at O Sullivan's Cascade and annual winter monitoring of Greenland white fronted geese.	This will be the responsibility of the applicant.	detailed in the NIS reports. Monitoring required post-construction to ensure no disturbance of key species/habitats.		
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### Stage 2 Appropriate Assessment Conclusion

In accordance with Section 177V of the Planning and Development Act 2000 (as amended) and on the basis of the information provided in two NIS and Ecological Report that accompanied planning application 14134 and further information submitted it is concluded that adversely affects on the integrity of a European Site (Natura 2000 Site) can be ruled out at this stage.

### Reasons for conclusion

Significant effects on Natura 2000 sites were identified in the screening matrix and three Natura 2000 sites were forwarded to a Stage 2 AA. Further to this assessment and specifically information provided in two NISs and an Ecological Report, a series of mitigation measures were provided which propose to eliminate the identified impacts. This included the redesign of the proposed road in proximity of an unnamed stream as a result of a request for further information. If the mitigation measures are undertaken, maintained and monitored as detailed in the NIS adverse impacts on the integrity of Natura 2000 sites will be avoided.



Signed:

26/11/14

Cathy Fisher  
Biodiversity Officer"

Mr. John Breen stated there was merit in granting this permission. A notice was put out for public consultation and submissions were received. He stated that Councillors must vote either for or against the proposal and for it to pass, three-quarters of the members must vote in favour.

Cllr. J.J. Culloty, PROPOSED that *"We the Members of the Killarney Municipal District hereby resolve, in accordance with the provisions of Section 34(6) of the Planning & Development Act 2000, as amended by Section 23 of the Planning & Development Act 2010, to grant permission to National Parks and Wildlife Service of the DAHG to (i) construct a public (western) access road to the Killarney National Park in the Townlands of Tomies West and Gortdirra, Beaufort and (ii) Construct a car park (this application is accompanied by Natura Impact Statements and an ecological report) at Gortdirra, Beaufort, Co. Kerry in accordance with plans submitted on Planning Register No. 14/134 which development would materially contravene objective ZL 12-4 and the policies expressed in paragraph 12.2.7 of the Kerry County Development Plan 2009 - 2015 as the subject site is partially located within an area zoned Rural Prime Special Amenity."*

Cllr. M. Gleeson SECONDED this Proposal.

A vote was taken which resulted as follows:

**FOR:** : Cllrs. B. Cronin, D. Grady, M. Gleeson, D. Healy-Rae, N. Kelleher, B. O'Connell, J. Sheahan, J.J. Culloty **(8)**

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

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

The Cathaoirleach declared the proposal CARRIED.

**(b) Part VIII - Burial Ground in Kilcummin**

Mr. John Breen referred to the proposed development at Kilcummin Burial Ground. This development is for provision of 102 extra grave spaces. A notice was put out for public consultation. Planning is required for this part of the process. Mr. Breen stated that subject to the proposal being passed by the Members, then the next stage in the process would be the development of the graveyard.

**"COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**



**REILG CHILL CHUIMÍN  
KILCUMMIN BURIAL GROUND**

**Síniú molta don Reilig atá ann agus soláthar 102 spás d'uaigheanna inti  
Proposed extension to existing Burial Ground and provision for 102 grave spaces**

**Tuarascáil don Údarás Áitiúil de réir Alt 179(3) den  
Acht um Pleanáil agus Forbairt 2000 (LEASAITHE)**

**Report to the Local Authority in Accordance with Section 179(3)  
of the Planning and Development Act 2000 (AS AMENDED)**

*John Breen*

**Stiúrthóir Pobail Inbhunaithe/Caighdeán Beatha**  
**Director of Sustainable Communities/Quality of Life**

**11/12/2014**

**COMHAIRLE CONTAE CHIARRAÍ**  
**ACHT UM PLEANÁIL AGUS FORBAIRT 2000 (LEASAITHE)**  
**Tuarascáil an Phríomh-Fheidhmeannaigh Ullmhaithe de réir Alt 179(3)**

**KERRY COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)**  
**Chief Executive's Report Prepared Pursuant to Section 179 (3)**

**Location**

Knockataggle Beg, Kilcummin, Co. Kerry

**Nature & extent of proposed development**

Proposed extension to the existing Burial Ground and provision for extra 102 grave spaces. The proposed extension will measure 0.197 acres.

**Persons or bodies who made submissions or observations within the prescribed period**

**NO External submissions were received:**

**Likely implications with respect to the proper planning and sustainable development of the area**

1. Determination Statements (attached) have been made by the Planning & Sustainable Development Section of the Council that the project does not require an EIA and does not require an Appropriate Assessment because the project would not have significant effects on a Natura 2000 site or on the environment.
2. It is considered that the proposed development is in accordance with the provisions of the Kerry County Development Plan 2009–2015 and is in accordance with the proper planning and sustainable development of the county.

**Recommendations / Amendments**

Having concluded that the proposed development is in accordance with the provisions of the Kerry County Development Plan 2009–2015 and in accordance with the proper planning and sustainable development of the county, I recommend that the proposed development should proceed but with the modifications set out in the responses to the public submissions above.

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**John Breen**

Stiúrthóir Pobail Inbhunaithe/Caighdeán Beatha/  
Director of Sustainable Communities/Quality of Life

Alt 138(1)(a) - Acht Rialtais Áitiúil 2001

Tá an tuarascáil seo á chur chuig Baill Chomhairle Contae Chiarraí i ngéilliúlacht

d'Alt 138 (1) den Acht Rialtais Áitiúil 2001.

Section 138 (1) (a) - Local Government Act 2001

This report is submitted to the Members of Kerry County Council in the course of  
compliance with Section 138 (1) (a) of the Local Government Act 2001."

Cllr. Brendan Cronin PROPOSED the development and complimented Mr. Peter Bradley on the work to date. Cllr. Cronin recognised the goodwill of the *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* The provision of extra burial spaces was critically important for Kilcummin Parish.

Cllr. Michael Gleeson SECONDED the Proposal.

Cllr. Donal Grady welcomed the development. He stated that he had family members buried at this location. He was grateful to *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* and it is good to see the efforts of all involved coming to fruition now.

Cllr. John Sheahan wished to be associated with the comments of the Members. He expressed his sincere gratitude to the *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* They did not accept any payment for the additional land. Cllr. Sheahan requested that the work be carried out to the highest standard. He also asked that if the *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* requested grave spaces in the Burial Ground, then this should be adhered to.

Cllr. John Joe Culloty concurred with the sentiments of the Members.

On behalf of the Executive of Kerry County Council, Mr. John Breen wished to acknowledge the generosity of the *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)*

Cllr. Danny Healy-Rae also thanked the *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* for their generous donation of land.

- (c) "In appreciation for the dedication, commitment and their endeavours in education, social issues, health and well being for the Castleisland area and its environs, I propose that the Library and Castleisland Area Services Centre be dedicated to the Presentation Sisters" - Cllr. B. O'Connell.

Cllr. Bobby O'Connell acknowledged the work of the Presentation Sisters in Castleisland for generations and asked that this be approved as expeditiously as possible.

Cllr. Michael Gleeson also acknowledged the work of the Mercy Sisters in Killarney who also gave an enormous contribution in Castleisland. They educated people who would not have received an education otherwise.

Mr. Gerard O'Brien drew the Members' attention to the discussion that was held at the January 2015 Meeting of Kerry County Council wherein agreement from the Members had been received that no further infrastructure in Kerry County Council's ownership would be dedicated / named until such time as a new policy had been developed by the Operations SPC. He asked for Cllr. O'Connell's agreement that this matter would be deferred and be brought back for consideration once a policy had been adopted.

Cllr. O'Connell agreed but asked that this be considered as soon as possible.

#### **15.01.28.04                      Sustainable Communities / Quality of Life Directorate**

- (a)     It was noted that the following report had been circulated to Members.

***Business Unit Manager – Tommy O'Connor, Co. Librarian***

***Library service:***

- Usage at Kerry's Libraries continues to expand. In **2014**, a record number of **647,533** items were **borrowed**, an increase of **5%** on the 2013 figure.

This is the **8<sup>th</sup> year** in succession that the no. of borrowings has increased and borrowings show a **59%** increase on the 2007 figure.

The no. of verified **visits** to Kerry's Libraries in 2014 was **435,010** while **53,221 internet sessions** were provided. **WiFi** usage accounted for **11,051** of this figure.

- Forthcoming events at Killarney Library include Business Advice Clinics [in association with the LEO] on 21 January & 18 February and a National Learning Network Clinic on 20 January.

### **Community Services and Engagement Report for January 2015**

**Business Unit Manager** – *Mr. Michael Scannell, Senior Executive Officer*

#### **Kerry Public Participation Network.**

- The Public Participation Network has been established at County level and representatives have been elected to the various SPCs and JPC at the initial County Plenary session. The County election of representatives to the secretariat has also been undertaken and the secretariat will be complete by selection of representatives through the Municipal District PPN. The next step is to establish the PPN at Municipal district level and information meetings in this regard have already been held in Tralee & Listowel. It is proposed to hold similar sessions in Killarney & the South and West Municipal districts over the coming weeks prior to the elections taking place in these areas and the finalisation of the secretariat.

The permanent nominations from the PPN to the LCDC will be undertaken once the current procurement process for the Social Inclusion Community Activation Programme (SICAP) is concluded.

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

- The preparation of the LECP is underway and a detailed presentation was given to the members at the January Council Meeting in relation to the process and content of the LECP. The Municipal Districts will play an important role in the development of these plans and in particular in identifying issues that relate specifically to their areas. It is proposed to consult with the Municipal Districts following the completion of the socio economic profile for the County.

### **Emergency Services Report for January 2015**

***Business Unit Manager – Mr. Michael Hession, Chief Fire Officer***

***Operation of the Fire Brigade Service:***

- There were 105 station mobilizations to 97 incidents in December. This is average for a December volume of work in Kerry. There were 33 Chimney fires and was quite similar to January and February last.
- Interviews for recruit fire fighters took place on the 9<sup>th</sup> and 10<sup>th</sup> of December to fill upcoming positions in Killarney, Killorglin and Castleisland.
- The final quarterly meeting with the 10 station officers for 2014 took place on the 3<sup>rd</sup> December.

***Year 2014 summary:***

- Operational volumes of work in 2014 are down on last year. There were 1016 incidents in 2014 compared to 1191 incidents for 2013.
  - There was a 36% decrease in fires (464 in 2014 compared to 729 in 2013).
  - There was a 34% increase in RTAs (160 in 2014 compared to 119 in 2013).
  - Chimney fires down 35% (144 in 2014 compared to 222 in 2013).
- A second hand class B fire appliance was purchased in 2014 to ensure that the fleet age profile is maintained below 9 years and that the working life of our front-line appliances is below 15 years.
- 2 No. 4 x 4 Ford Ranger Jeeps were ordered in 2014 as part of our programme to provide all stations with 4 x 4 capabilities. (Delivery due in January 2015)

***Fire Safety and Prevention:***

- In order to promote fire safety awareness the Fire Service placed adverts in local papers listing the “top twelve” fire safety tips for Christmas. Posters of these were posted in County Buildings and the Motor Tax building.
- Also fire officers did radio interviews during December regarding fire safety in the home on Radio Kerry and on Radio na Gaeltachta.
- Fire officers also carried out further spot checks in respect of fire safety at larger entertainment venues in the county.

***Building Control:***

- The number of Commencement Notices received this year to the end of December was 350, which is marginally down on the figure of 353 for 2013.
- The number of Disability Access Certificate applications received this year to the end of December was 71, which is up on the figure of 65 for 2013.



- The number of Fire Safety Certificate applications received this year to the end of December was 129, which is marginally up on the figure of 126 for 2013.

Building Control Officers continued to inspect buildings under construction in the county for compliance with the Building Regulations.

#### **Civil Defence:**

- Occupational First Aiders Course, Water awareness Course completed by volunteers and Decontamination course operated by the HSE.
- CDO qualified in Management of Water & Flood Incidents
- Assisted with alert of missing person from Killorglin (found in Dublin).
- Duties: Historic Rally provided 5 x ambulances & 1 x Boat; Ballyheigue Races; 2 x Ambulances, Charity Walks.

#### **The Year 2014:**

- The new Civil Defence fleet garage and stores (rented premises) acquired
- Civil Defence covered 80 duties for 2014.
- Restructured the local organisation due to Health & Safety policies in the role of operational volunteers being competent
- No stewarding or traffic control duties can be attended by Civil Defence volunteers
- New Child protection policy & data protection introduced to all active volunteers
- Department-level decision taken that no young people (UNDER 18) can join Civil Defence from September 2014
- SAR Unit found the body of a missing person on request by the Garda Síochána
- Introduction of Water Awareness Training
- Ford Transit (2011) for transporting volunteers as issued by the Department on request
- Radio Tetra courses introduced

#### **Major Emergency Management**

- Regional participation has been ongoing. The Regional Steering Group had their final quarterly meeting for 2014 in December.
- A Major Emergency Exercise took place on the 11<sup>th</sup> December to practice the Local Co-ordination group.

### **Environmental Protection Services Report for January 2015**

**Business Unit Manager – Mr. Liam Quinlan, Senior Executive Officer**

#### **Green Schools**

Applications have been received for An Taisce Green School awards. 7 new applications in the county have been received 3 of which are in Killarney Municipal District - Two Mile School, Community College Killarney and Knockanes National School.

A further 4 schools in the Killarney Municipal district are seeking to renew their flag.

### **Environmental Awareness Programme for 2015**

A programme has been recently developed for the coming year and the Members will be updated on progress being achieved in respect of the Killarney Municipal District

### **Consultation on the Timetable and Work Programme for the for the Development of the Second Cycle River Basin Management Plans**

As advised at the recent Council Meeting, the Department of the Environment, Community & Local Government (DoECLG) has published a Consultation Document in relation to the Timetable and Work Programme for the Development of the Second Cycle River Basin Management Plans to which we will respond as per the report presented to Council. The Municipal District Members will be kept advised on progress being achieved as the work on the Plan. In the response we highlighted the Lough Leane Working Group, where stakeholders from a variety of backgrounds and interests are actively engaged in and consulted on local water quality management matters

## **Housing/Social Services Report for January 2015**

**Business Unit Manager** – Ms. Kathleen Moriarty, Senior Executive Officer.

### **Housing Programme**

Following the announcement in the recent national budget of the development of a housing construction and acquisition programme , we have carried out an extensive analysis of our housing list , our available lands and our need to build and acquire properties . In this analysis we are cognisant of the needs in particular of single applicants , elderly and disabled persons and larger families , This analysis will inform a submission to the Department in January of our immediate requirements from the funding announced at budget time . We will be making a strong submission seeking the maximum funding for a public housing construction and acquisition programme in Kerry

### **Additional Grant funding**

The council has again been successful at the end of 2014 in securing an additional EU 200,000 in state funding towards our disability and elderly grant programme. This has enabled us to advance the provision of much needed

extensions and adaptations for those most in need and is again recognition at departmental level of the quality and efficiency of the administration of these grant schemes by Kerry County Council

### **Purchase of houses for people with a disability**

In December 2014 the Department provided funding to Kerry County Council for the immediate purchase of 6 houses for persons on the housing list with disabilities . These houses will require some modification and adaptation work before being available for letting . Such funding is most welcome particularly as we implement the National Policy on Housing People with a Disability .

# Social Housing Activity Report at 15th January 2015

## Killarney Municipal Area (K.M.A.)

### Social Housing Applicants (Year to Date Position)

	<u>2014</u>	<u>2015</u>
Accommodation offers made for property located within Municipal Area	42	1
New Tenancies Commenced	35	0
Accommodation refusals	5	0

### Social Houses

#### **Vacant properties within Municipal Area**

Under Repair (Excl those awaiting major refurbishment)	10
Awaiting Allocation	5

#### **Construction Programme**

Single Rural Dwellings - under construction	2
Single Rural Dwellings -Tender Stage	0
Extensions - applications on hands	1
Extensions - under construction	0

### Rental Accommodation Scheme

	<u>County</u>	<u>K.M.A.</u>
Total Active Tenancies	801	189
New tenancies in 2014	146	56
Tenancies terminated in 2014	74	27

### Leasing

	<u>County</u>	<u>K.M.A.</u>
Leased Properties	63	15
Leases under negotiation	9	1

### Housing Adaptation Grants (County Wide)

	<u>No.</u>	<u>€</u>
Allocation 2014		2.039m
New Grants Allocated 2014	420	2.300m
Total 2014 Commitment	473	2.608m
Grants Paid	318	1.827m
Opening Commitment 2015	125	0.587m

## **(b) Notices of Motion**

**1. Cllr. M. Gleeson:** That the Council would give an update on the progress made towards the actual implementation of the recently announced Tenant Purchase Scheme.

**Reply:** Currently, there is no Tenant Purchase Scheme available to tenants who are interested in purchasing their dwelling. We understand that a new scheme is imminent and legislation to give effect to any new scheme is awaited. We will notify tenants of the details of any new Tenant Purchase Scheme as soon as we are advised of its commencement by the Department of Environment, Community and Local Government.

**Cllr. Michael Gleeson acknowledged the reply. He stated that a Tenant Purchase Scheme was desperately needed. People want to purchase their own homes. The previous Tenant Purchase Scheme transformed people's lives. He requested that we write a letter to Minister Alan Kelly, Department of Environment, Community & Local Government and ask that a new Scheme be made available to tenants.**

**Cllr. Sean Grady Seconded Cllr. Gleeson's Motion. He thought it unfair that the tenants had to pay auctioneer's fees to value their homes for previous Tenant Purchase Schemes. He said the Council charged too much for valuations and this should be looked at.**

**Mr. John Breen replied that the Council did not charge for valuations. If the tenant disputed the valuation, they got a private valuation at their own expense.**

**Ms. Joan Brosnan stated that the cost of valuation is taken off the cost of the house.**

**Mr. John Breen agreed to look at the matter.**

**2. Cllr. M. Gleeson:** That the Council would seek to determine the views of the public in the former Killarney Town Council area with a view to discovering whether or not they would favour the introduction of a prohibition on the sale and burning of bituminous (smoky coal).

**Reply:** A review of the relevant legislation on the marketing, sale, distribution and burning of smoky-coal was undertaken by the DoECLG in 2012. Arising from this, all towns with a population in excess of 15,000 are now included in the smoky-coal ban. Killarney was not included at that time on the basis of the population statistics. However, from recent contacts with the Department, it would appear that there may be some scope to include towns such as Killarney in the ban. In this regard, a proposal to include Maynooth, which also has a population of less than 15,000, is at an advanced stage of approval by the Department. This proposal was prompted by a formal resolution of Kildare County Council (supported by the HSE), and was preceded by a public consultation process involving the placing of a notice of the proposal in

local newspapers to allow for submissions on the proposal. However, it should be noted that inclusion of Killarney in the ban would require the introduction of new legislation by the Department. It should also be noted that enforcement of the ban as set out in the current legislation is, in many respects, challenging and it is the opinion of the Environment Department that a national approach (rather than an area-based approach) is required to effectively deal with the issue.

**Cllr. Michael Gleeson stated that he worked in Dublin prior to the introduction of the ban on smoky coal. The smog and filth impacted on people's health. There was a transformation on communities and their wellbeing when the ban was introduced. He asked that the Council make a pre-emptive strike and take an advert out in a local paper asking the public for their views on the matter.**

**Cllr. Donal Grady thought it was the wrong time to bring in such a ban. If a ban was introduced, the Government should subsidise it as smokeless coal is more expensive. People can ill afford such expense at this time. He stated that smog did not cause cancer or asthma.**

**Cllr. M. Gleeson said the Department should ensure there is no cost difference and perhaps subsidise the cost of the smokeless coal.**

**Cllr. Danny Healy-Rae stated he was against the proposal. Such a ban would place an additional cost on people. He said people wouldn't be able to burn timber or turf.**

**Cllr. Niall Kelleher said he could see some merit in the Motion. He stated that it was not working in areas where the rule is enforced. The fuel providers are not abiding by the law.**

**3. Cllr. J. Sheahan:** That Kerry County Council give an update on the current situation regarding the purchase of a graveyard for Killarney.

**Reply:** It is the intention of Kerry County Council to proceed with the acquisition of a graveyard for the Killarney area following a briefing and subject to the agreement of the Municipal District Members at its meeting on 28<sup>th</sup> January 2015, as agreed at the last Municipal District meeting.

**Cllr. Sheahan acknowledged the reply.**

**4. Cllr. D. Healy-Rae:** To raise concern about public toilets adjacent to the Courthouse and Fairfield, Killarney being closed for so long.

**Reply:** The public toilets adjacent to the Courthouse have been closed since December 2014 due to Health and Safety reasons. A meeting has been organised with the Peter Bradley, Quality of Life Directorate to assess the cost of repair and whether a budget is available for these works.

Plans have been prepared for the construction of new public conveniences together with associated improvements to this area of Fairhill. These plans are required to be put on public display in accordance with the Part VIII of the Planning & Development Regulations 2001-2011. There is no funding identified for these works at present.

There are four other public conveniences located in Killarney at Kenmare Place, New Street Car Park, High Street Car Park and Knockreer playground.

**Cllr. Danny Healy-Rae said he was not happy with the reply. He asked what funds had Killarney Town Council when it amalgamated with the Council. This money should be spent on public toilets. Businesses are paying rates. He asked for the support of the Members on this.**

**Cllr. Brendan Cronin Seconded the Motion. The toilets are located in a central location. The money spent on the bronze deer would have been better spent on the toilets. He asked if the toilets in High Street were wheelchair accessible and asked for the cost of repairing the toilets.**

**Cllr. Gleeson stated that there was money available in the Town Council Budget for these toilets. He presumed same had been "subsumed" into the Council funds. He stated that the Courthouse should provide toilet facilities in the Court House.**

**5. Cllr. N. Kelleher:** Can Kerry County Council provide an update on the situation of acquiring land for an extension to the Graveyard in Gneeveguilla.

**Reply:** The Council has been in communication recently at a local level on the acquisition of a suitable site for the provision of a new cemetery for Gneeveguilla. Discussion is ongoing. There is ample space for the coming years in the existing cemetery, which is located in the Church grounds and is owned by the Diocese of St Brendan / Kerry.

**Cllr. N. Kelleher asked if any discussion had taken place since this matter was last on the Agenda. He stated that there were at least 2 years of spaces available here by removing some of the ditch. This is a very important issue for the area. We need to further discussions here.**

**Cllr. Danny Healy-Rae referred to Question 3 that he had on the Agenda. He said that other places should be looked at if no land is available there.**

**Mr. John Breen said there was no immediate need here. He confirmed that discussions had been held with the landowner since the last meeting.**

### **(c) Questions**

**1. Cllr. M. Gleeson:** Have the eagerly awaited umbrellas for Main Street, Killarney been blown off the agenda?

**Reply:** The Former Killarney Town Council had prepared preliminary plans to provide street covering for Main Street in the form of automated umbrellas. Details and specification were agreed with a specialist supplier of these umbrellas. The tender process had not been completed prior to the abolition of the Town Council. The completion of this process will now be carried out by the Capital Infrastructure Unit. A source of funding has yet to be identified for this project.

**Cllr. M. Gleeson said he had raised this topic previously in Killarney Town Council. He asked if the project was going ahead. It would be a great addition to the town. People would welcome them.**

**Cllr. D. Grady agreed with Cllr. Gleeson's Motion. He thought that Killarney Town Council had provided funding for the umbrellas.**

**Mr. J. Breen stated that since the amalgamation of the four Authorities, this item had moved down the Agenda. He agreed that this proposal would be looked at again.**

**Cllr. J. Sheahan supported this Motion. He stated that the umbrellas would be a welcome addition in the rain.**

**Cllr. B. Cronin asked if the umbrellas could withstand severe gales.**

**Mr. D. Doyle stated that at certain wind speeds, the umbrellas must be wound down. They are designed to withstand wind speeds of 60 - 70km/h. It is planned to open these umbrellas for events only.**

**Mr. John Breen said that the cost of the umbrellas wouldn't be known until they go to tender.**

**2. Cllr. J. Sheahan:** To ask Kerry County Council Housing Department to provide an extension for a family who have had to endure overcrowding conditions for a number of years. This situation is in urgent need of attention (Mrs. Lorraine O' Donoghue, 16 Gleann Rua Estate, Rathmore).

**Reply:** This family unit consists of 1 adult and 4 children and resides in a 3 bedroomed semi-detached two storey property. They applied for a bedroom extension on the grounds of overcrowding. While funding was made available by the Department in 2014, it was targeted at works, including extension works, required to address disability issues. The Housing Department will review the situation in respect of this and other extension applications when the 2015 SHIP allocation is notified to it by the Department of Environment.

**Cllr. J. Sheahan stated that he has had this Motion on the Agenda 4 - 5 times previously. These people are living in very cramped conditions. They have no room. An extension needs to be provided soon.**



**Cllr. D. Grady stated that he knows of other families living in dire conditions. He said the Government have buried the problem. No houses have been built in the last 4 - 5 years.**

**3. Cllr. D. Healy-Rae:** To ask Kerry County Council has any progress been made with the provision of extra graveyard space and parking adjacent to Gneeveguilla Church.

**Reply:** The Council has been in communication recently at a local level on the acquisition of a suitable site for the provision of a new cemetery for Gneeveguilla. Discussion is ongoing. There is ample space for the coming years in the existing cemetery, which is located in the Church grounds and is owned by the Diocese of St Brendan / Kerry.

With regard to provision of parking, the landowner in question has been contacted. He has indicated that he will consider the matter in regard to his agreement to sell the required land. He has stated that he will revert to Kerry County Council when he has made his decision. Kerry County Council will contact the landowner again in due course.

**Cllr. D. Healy-Rae discussed this Question together with Notice of Motion No. 5 above.**

**4. Cllr. B. Cronin:** Has any progress been made on finding a suitable site for a playground in Firies Village?

**Reply:** Kerry County Council identified a number of suitable sites within the Firies area as being suitable for a playground. The Local Authority will continue to work with any local voluntary community group in the area with the objective of a delivering a playground in accordance with the Council's Ag Spraoí Policy.

**Cllr. B. Cronin stated that he has had this Motion on the Agenda for years. Kerry County Council had granted a lot of Planning Permissions in this area. This was one of the first urbanised villages in the County. The children who moved into this area are now 12 or 13 and still no playground exists. There are 280 children attending the local school. There is a possibility that a site may be available. Could Mr. J. Breen make contact with the owner to see if a portion of the land would be made available? Whenever planning permission is granted, then play facilities must be provided.**

**Cllr. D. Healy-Rae stated he has had similar Motions on the Agenda previously.**

**Mr. J. Breen said that he will arrange a meeting with the landowner. He confirmed that the provision of a playground was part of the grant of planning permission for this development.**

## 15.01.28.05 Water Services Directorate

### 7. (a) To note update report from Water Services Directorate

It was noted that this report had been circulated to the Members.

#### **Irish Water Capital Investment Programme 2014-2016**

Irish Water Capital Investment Programme 2014-2016 was launched in May. A total of 8 wastewater Schemes (total value of €10.7 million) and 7 Water schemes (total value of €3.5 million) in Kerry are included in the IW Capital Investment Programme. The schemes listed in the CIP which affect the Killarney Municipal District are outlined in the following tables:

<b><u>CIP TIONSCNAIMH SHOLÁTHAIR UISCE</u></b> <b><u>CIP WATER SUPPLY PROJECTS</u></b>			
<b><i>Tionscnamh</i></b> <b>Project</b>	<b><i>Stádas</i></b> <b>Status</b>		
<b>Mains Rehabilitation Project</b>	Description	Value	Status
	County Direct Labour	€ 2,649,776	Pipelaying ongoing by Direct Labour - approximately 90% complete.
<b>Central Regional Water Supply Scheme</b>	<b>Description</b>	<b>Value</b>	<b>Status</b>
	Scart Reservoir	€ 292,000	Construction of this project is complete.
	Water treatment Plant - DBO	€ 22,500,000	Updating Tender documents to align with Irish water procurement requirements. Due diligence being carried out on all aspects of the design to-date. Progress to Tender stage with a view to commencing construction by the end of the current CIP

<b><u>CIP TIONSCNAIMH FUÍOLLUISCE</u></b> <b><u>CIP WASTEWATER PROJECTS</u></b>	
<b><i>Tionscnamh</i></b> <b>Project</b>	<b><i>Stádas</i></b> <b>Status</b>
<b>Kilcummin Sewerage Scheme</b>	The Scheme is included in the Irish Water Capital Investment Plan (2014 to 2016). Irish Water is to have all options for the scheme independently reviewed and will select the solution it deems most appropriate.

### **Funding Priorities for Capital Projects**

Irish Water has indicated that it will prioritize funding for capital projects based on key issues to be addressed.

In water, priority will be given to schemes on a Boil Water Notice (BWN), on the EPA Remedial Action List (RAL) and/or on a legal Direction from the EPA.

In wastewater, priority will be given to towns (agglomerations) with an ECJ Ruling and on meeting the EPA Discharge License requirements.

### **Irish Water Capital Investment Programme 2017-2016**

Irish Water has also launched a Minor Capital Works Programme 2014. This is a rolling programme of **minor improvement works** which can be added to as the need arises. The list of schemes that Kerry County Council has applied for under the Minor Capital Works Programme in the Killarney Area is outlined in the table below.

<b>MINOR CAPITAL WORKS PROGRAMME, KILLARNEY DISTRICT</b>			
<b>Project</b>	<b>Description</b>	<b>Estimate</b>	<b>Status</b>
Castleisland SS - Church St Sewer	Replace collapsed length of sewer	€ 3,500	Completed
Castleisland SS - Limerick Rd. Sewer	Replace collapsed length of sewer	€ 4,500	Completed
Castleisland SS - Barrack St Bridge	Sewer encroaching Archway of Bridge causing river to back up and flooding upstream	€ 45,000	Requested
Castleisland SS - Church Street bridge	Sewer pipe fixed across archway / eye of Bridge - may cause river to 'back up' and flood	€ 45,000	Requested
Dromultan Scartaglin Pumpstation	Lay pipe to eliminate old pumpstation	€ 35,000	Requested
Mid Kerry Mains Replacement - Coolbane Aglish	Replace 1,500m of the 200mm diameter PVC Trunk Main	€ 300,000	Requested
<b>Mid Kerry Mains Replacement - Gearha – Meanus – River Laune</b>	<b>Replace 4.75Km of the 300/250mm diameter AC watermain with a with uPVC pipe</b>	<b>€ 1,050,000</b>	<b>Underway</b>
Mid Kerry Mains Replacement - Bushmount Raffeens Clounlara	Replace 2.2Km of the 50mm diameter PVC watermain with a 100mm upvc pipe.	€ 200,000	Requested
Rathmore WWTP	Upgrade Trickling Filter	€ 8,500	Approved
Rathmore WWTP	Install emergency overflow to River	€ 6,200	Requested
Shrone WSS – 'Raw' Water Main	Lay main from Lake to WTP	€ 160,000	Requested

### **THE RURAL WATER PROGRAMME**

The administration and development of the Group Scheme sector continues to be a function of the Local Authorities under the guidance and supervision of the DoEC&LG and Irish Water has no authority, responsibility or involvement.

**Kerry County Council has made a submission to the Department for funding for various projects in 2015. These Grants are usually dispensed in February or March each year.**

A total Block Grant Allocation of €906,600 was allocated to Kerry County Council for the various measures under the Rural Water Programme in 2014.

### **Takeover of Group Schemes**

Since 1 January 2014, responsibility for the Takeover of Group Schemes has transferred to Irish Water.

Nationally, discussions are ongoing between the DoEC&LG, the County and City Managers' Association and Irish Water to develop a protocol to facilitate the Takeover of Group Schemes.

### **(b) Notices of Motion**

**1. Cllr. J. Sheahan:** That Kerry County Council Water Services and Irish Water give an update on proceedings of the Kilcummin Sewerage Scheme.

**Reply:** Kilcummin Sewerage Scheme is included in the Irish Water Capital Investment Plan (2014 to 2016). In recent discussions with Irish Water, the company has confirmed that it is to have all options for the scheme independently reviewed and will select the solution it deems most appropriate.

**Cllr. J. Sheahan referred to Kilcummin being included in the Capital Investment Plan and stated that Coolcorcoran should be included on the Roads Programme but hasn't been because of the impending Sewerage Scheme. He said that we were putting the cart before the horse, i.e. if the road is repaired and subsequently excavated to lay the pipes. The Scheme and the roadworks are long overdue.**

**Cllr. J.J. Culloty referred to Notice of Motion No. 2 on the Agenda and said he was very concerned about this matter. It has been a long running saga with deputations coming before the Councillors. We have to do something here as people are becoming very frustrated. A decision needs to be made.**

**Cllr. M. Gleeson stated that Independent Reviews were the bane of this country. He asked if there was any accountability. We should show respect for the people of Kilcummin.**

**Cllr. B. Cronin referred to Question 9 on the Agenda. He stated the road in Kilcummin was a disgrace. He had a deputation in last year regarding same. This is now in the hands of Irish Water. Someone needs to recognise the plight of the car owners using this road. Irish Water need to make a final decision. The residents deserve it.**

**Cllr. D. Grady referred to Question 5 on the Agenda. He said that the 8 Killarney Councillors should come together and see what could be done regarding the sewer and the road. The road is in a despicable condition. He Proposed that the Councillors would meet in the next couple of weeks.**

**Cllr. J.J. Culloty Seconded the Motion.**

**Cllr. D. Healy-Rae referred to Question 6 on the Agenda. He stated that an investment of €1.3m had been confirmed by a previous Senator from the area but there has been no sign of same. Mr. Paul Cremin had said that it should be brought down to the town. A wayleave has been bought for this. We had money last year but there is none available this year. We should all work together.**

**Mr. Colm Mangan stated that representatives from Irish Water are available to speak with Councillors in Tralee on the days of full Council Meetings. This may have helped the situation in that Irish Water's more Senior Officials are now more aware of the huge demand for this Scheme. The Council's Water Department is now more optimistic that this Scheme may go ahead. Irish Water is to make a decision by March.**

**Cllr. Gleeson referred to Question No. 2 that he had on the Agenda and asked that if Irish Water give permission in March, how long would it take for the scheme to start.**

**Mr. Mangan stated that he was unable to answer until confirmation of the scheme is received.**

**2. Cllr. J.J. Culloty:** Has Irish Water indicated their favoured option for the sewage treatment in Kilcummin?

**Reply:** Kilcummin Sewerage Scheme is included in the Irish Water Capital Investment Plan (2014 to 2016). In recent discussions with Irish Water, the company has confirmed that it is to have all options for the scheme independently reviewed and will select the solution it deems most appropriate.

**This was dealt with in conjunction with Notice of Motion No. 1 above.**

**3. Cllr. J.J. Culloty:** Has there been an up-date from Irish Water, in relation to the taking in charge of estates?

**Reply:** Irish Water is currently developing a Policy / Protocol for the Taking In Charge Of Housing Estates. Pending the publication of this document, Irish Water has advised that the Water Services Authorities should proceed as before in considering such applications, i.e. if the Council is satisfied that an estate is up to standard and duly takes it in charge, then Irish Water will automatically take possession of the water services in that estate. This applies only to infrastructure which is already connected to the public sewer / water network.

**Cllr. J.J. Culloty stated that people want to sell their houses and are caught. The Department can't see any issue. Kerry County Council can't take it in charge. Management said this will be done in next number of weeks.**

**Cllr. M. Gleeson asked for a list of the estates imminently being taken in charge.**

**Mr. J. Breen stated that there were a number of situations at present where a number of estates were applied to be taken in charge. He stated that it was very important to note that the banks are precluding the sale of houses in estates that have not been taken in charge. The banks have no legal requirement to ask that the estates be taken in charge. The financial institutions are further exacerbating the problems by asking for this. It is not a legal requirement of conveyancing.**

**Mr. Breen stated that there are 12 estates in Killarney waiting to be taken in charge. Once protocols have been finalised by Irish Water, they will be taken in charge.**

**Cllr. Niall Kelleher referred to Question No. 27 on the Agenda (Water Services). He referred to the response to same and referring to the priority list outlined, he asked that he receive a list of the Estates in question.**

**Cllr. Brendan Cronin stated that he was delighted to receive clarification in relation to the financial institutions. He stated he knows a person who is being prevented from selling their house due to this clause. There is no legal requirement for same. He asked that Kerry County Council write to the tenants in the three estates where the ground work has been done stating that there is some light regarding the taking in charge coming shortly.**

**Mr. J. Breen stated that Mr. Liam Quinlan's new role is to advance the taking in charge of these estates. The Chief Executive is looking at issuing a letter of comfort to Solicitors to get these cases over the line even though there is no requirement for such a letter in law.**

### **(c) Questions**

**1. Cllr. M. Gleeson:** When is it intended that Uisce Éireann will lay the new Water Mains at Gortagullane and along the Black Road, Muckross in order that the very necessary work of road surface improvement can commence? The residents and all road users have endured more than their share from potholes and ponding.

**Reply:** Final Approval from Irish Water of the finance to lay 1,874m of new water main between Muckross Church and the bridge near Lough Guitane School is anticipated in February 2015. Approval from Irish Water to lay a new main along the Black Road is not currently forthcoming.

**Cllr. M. Gleeson acknowledged the reply and hoped this would be approved in February.**

**Cllr. D. Healy-Rae referred to Question No. 7 on the Agenda. He stated that no stalling should obstruct this process. The road needs to be resurfaced this year. It is a major route and we should ensure that everything is done to progress this.**

**2. Cllr. M. Gleeson:** Has Uisce Éireann given any indication of a definite time frame for undertaking the development of a public sewer in Kilcummin?

**Reply:** Kilcummin Sewerage Scheme is included in the Irish Water Capital Investment Plan (2014 to 2016). In recent discussions with Irish Water, the company has confirmed that it is to have all options for the scheme independently reviewed and will select the solution it deems most appropriate.

**This was dealt with in conjunction with Notice of Motion No. 1 above.**

**3. Cllr. M. Gleeson:** Has Uisce Éireann given any consideration to the provision of a public sewer for the Dennehy's Road, Fair Hill, Killarney? This project was being actively pursued by Killarney Town Council.

**Reply:** This proposed sewer may be suitable for development as a Group Sewerage Scheme. Kerry County Council applied in early January for a grant of €280,000 to develop an 870m long sewer and 2 pump stations to serve 26 houses in Dennehy's Bohereen, Killarney, as part of the Council's annual submission to the Department Of Environment, Community and Local Government for funding for the Rural Water programme 2015. The grants will be made available in February or March 2015.

**Cllr. M. Gleeson stated that there were 26 houses in Dennehy's Bohereen, Killarney without a public sewer and there was an urgent need for same. He hoped that the grants in February will allow for this work to be carried out.**

**4. Cllr. M. Gleeson:** Has Uisce Éireann given any time frame for the installation of booster pumps for the Muckross View / Dromhale area of Killarney.

**Reply:** There are perhaps 20 houses on relatively high ground which may experience low pressure when any problems / leaks / bursts occur in the wider network. The Council will make an application for funding for the introduction of a pump to the system.

**Cllr. M. Gleeson requested that a booster pump be installed for the residents as they had endured enough.**

**5. Cllr. D. Grady:** Can I have an update on the sewers in Kilcummin?

**Reply:** Kilcummin Sewerage Scheme is included in the Irish Water Capital Investment Plan (2014 to 2016). In recent discussions with Irish Water, the company has confirmed that it is to have all options for the scheme independently reviewed and will select the solution it deems most appropriate.

**This was dealt with in conjunction with Notice of Motion No. 1 above.**

**6. Cllr. D. Healy-Rae:** (a) will Kerry County Council and Irish Water deliver the sewerage scheme for Kilcummin and (b) conform with the widespread request to pipe it down to the Killarney Plant.

**Reply:** Kilcummin Sewerage Scheme is included in the Irish Water Capital Investment Plan (2014 to 2016). In recent discussions with Irish Water, the company has confirmed that it is to have all options for the scheme independently reviewed and will select the solution it deems most appropriate.

**This was dealt with in conjunction with Notice of Motion No. 1 above.**

**7. Cllr. D. Healy-Rae:** Has everything been finalised with Irish Water to allow the roadworks to go ahead between Muckross Church and Loughguittane School as the road is in a desperate state now.

**Reply:** Final approval from Irish Water of the finance to lay 1,874m of new water main between Muckross Church and the bridge near Lough Guitane School is anticipated in February 2015.

**This was dealt with in conjunction with Question No. 1 above.**

**8. Cllr. B. Cronin:** What is causing the re-occurring water breaks on the local road from Faha NS north to Rockfield adjacent to (details with Directorate).

**Reply:** There is approximately 500m of old and deficient 19mm high density pipe, which regularly breaks, serving these properties. It is intended to replace the pipe in the coming months.

**Cllr. B. Cronin welcomed the reply and he wished to compliment the repair crews for repairing the breaks to date.**

**9. Cllr. B. Cronin:** Has a decision been made regarding Kilcummin Sewerage Scheme as the main road from Coolcorcoran to Inchycullane is now in desperate condition?

**Reply:** Kilcummin Sewerage Scheme is included in the Irish Water Capital Investment Plan (2014 to 2016). In recent discussions with Irish Water, the company has confirmed that it is to have all options for the scheme independently reviewed and will select the solution it deems most appropriate.

**This was dealt with in conjunction with Notice of Motion No. 1 above.**

**10. Cllr. B. Cronin:** Has any allocation of funding been made for replacing the water pipeline from Aglish to Flynn's Forge?



**Reply:** Sanction has not been received for works of value €300,000 for the replacement of 1,500m of 200mm diameter watermain at Aglish to Forge Cross, an application for which the Council has made to Irish Water.

**Cllr. B. Cronin stated that this pipeline had to be replaced. He stated the pipe was in a very bad state. He requested that Irish Water be contacted to provide funding for this job.**

### **Any Other Business**

**Cllr. B Cronin referred to the pump on the Scartaglen Road at Annablaha and said that it can't be restarted. Many elderly people live on this line.**

**Mr. Charlie O'Leary replied that this matter would receive attention.**

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

#### **(a) To note update report from the Operations, Health & Safety Directorate**

Cllr. N. Kelleher referred to the Muckross Roadworks listed in the report and asked how long these works would take.

Mr. P. Neary stated that firstly, Water Services had to install a watermain and then Operations would start their works. He hoped that the work would start in June and that the road would be in a satisfactory condition by September.

Cllr. D. Grady stated that it was vital that roadworks would cease during the tourist season. Every effort should be made to complete the works quickly.

### **Report from the Director of Operations, Health & Safety**

#### **1. Staffing**

**Paul Neary** Senior Executive Engineer Municipal District

**Kevin O'Malley** Senior Administrator – based in the Municipal District Operations Office

**Liz Breen** – Staff Officer– based in the Municipal District Operations Office

#### **Area Engineering Staff:**

Breda Mulryan, Brendan Mulhern, P.J. Galvin, Kieran O'Halloran, John Keane, Donal O'Sullivan

## 2. Works Programme – Works planned / carried out in January & February 2015

Killarney Municipal District	<b><u>Roads</u></b>		
	<b>Location</b>	<b>Works Description</b>	<b>Status</b>
	Muckross Road	Traffic calming, widening of footpaths, cycle paths and undergrounding of services	To commence Monday 26 <sup>th</sup> January
	Millwood	Footpath repairs	
	Killarney Municipal District	General road maintenance and repair	
	Killarney Municipal District	Full roads programme to be agreed and commenced	
	Killarney Municipal District	Winter Maintenance	ongoing
	Killarney Town	Street Cleaning	ongoing
	Killarney Town	Gardening	ongoing

## 3. Housing

	<b>Location</b>	<b>Works Description</b>	<b>Status</b>
	30 Gleann Rua Rathmore	Upgrade of vacant dwelling	Completion Date End January 2015
	15 Torc Terrace Killarney	Upgrade of vacant dwelling	Completion date End February 2015
	28 St Johns Castleiland	Upgrade of vacant dwelling	Completion date End March 2015
	8 Cahereens West, Castleiland	Upgrade of vacant dwelling	Completion date End March 2015

### (b) Notices of Motion

**1. Cllr. M. Gleeson:** That in view of the ever growing use of the Spa GAA grounds and Clubhouse for many and varied activities, particularly by young people, that the Council would again examine the possibility of developing a footpath cum cycleway from Tiernaboul Industrial Estate to the entrance to the playing field.

**Reply:** It would be desirable to provide a footpath / cycleway from Tiernaboul Industrial Estate to the entrance to the Spa playing field. However, this

proposal has been examined on a number of occasions in the past and difficulties were identified with potentially securing the lands for the works.

The estimated cost of the works including land acquisition, accommodation works and construction of the footpath would be in the region of €250,000 - €350,000. There is no funding mechanism for this proposals at present.

**Cllr. M. Gleeson stated that Spa GAA had a thriving Club. The provision of a footpath / cycleway would enhance the overall area. He said to keep the matter on the Agenda.**

**Cllr. J.J. Culloty Seconded this Motion. He said it was near a dangerous stretch of road.**

**2. Cllr. M. Gleeson:** That the Council would seek to eliminate the ponding that occurs at the two Port Road entrance gates to the Cathedral.

**Reply:** Works to eliminate the ponding that occurs at the two Port Road entrance gates to the Cathedral have been carried out. This involved clearing a blocked gully and re-grading the level of the footpath.

**Cllr. M. Gleeson complimented Kerry County Council on the works carried out at this location and the area is now dry. The work was completed to a very high standard.**

**3. Cllr. M. Gleeson:** That the Council would eliminate the bad ponding that occurs at numerous locations on the footpath at Lower New Street, particularly on the right hand side outbound.

**Reply:** Ponding occurs along sections of the lower New Street footpaths. These sections of footpath will have to be re-laid. Following the adoption of the Roads Programme, some of these areas will be addressed using footpath maintenance monies.

**Cllr. M. Gleeson stated that from St. Mary's Terrace to the Cathedral, very bad ponding is occurring. He referred to motorists who park on the footpath. These footpaths are disintegrating as a result. They need to be replaced on the right hand side outbound on Lower New Street. He stated that motorists should be stopped from parking there or we are wasting our money.**

**Cllr. J.J. Culloty referred to Scott's Island. Work on footpaths should be carried out to a standard so that they can withstand the weight of vehicles. He said people will continue to park on the footpaths so we should reinforce them.**

**Cllr. Gleeson stated that bricks were not the answer as they were unsafe.**

**4. Cllr. M. Gleeson:** That the Council would resurface the short section of the R570 in the Townland of Shronedarragh, south of the National School as far as the residence of [name supplied to the Engineer] as it is regularly in need of pothole filling and patching.

**Reply:** This section of the R570 road is included in the Restoration Improvement Programme 2014 -2016, with a funding commitment of €140,000 identified to be required in 2016. Meanwhile maintenance works will be carried out on this section as far as funds allow.

**Cllr. Gleeson stated that there was a dip for 60-100 metres in that section of the road and cyclists have to dismount from their bicycles to traverse same safely.**

**Cllr. D. Healy-Rae supported this Motion. The road needs to be reinstated to a reasonable condition.**

**5. Cllr. M. Gleeson:** That the Council would detail if all of the complicated formalities have been completed in relation to Mountain View Estate and if the residents are now entitled, should they so wish, to apply to have their Estate Taken in Charge.

**Reply:** Discussions are still on-going with the surety provider on the viable options to resolve the issues with the provision of the stand alone waste water treatment plant, constructed as part of this development.

The finalisation of any agreement is complicated as such infrastructure is not connected to a public sewerage network and will not be taken in charge by Irish Water at present. Whilst the Kilcummin Sewerage Scheme is identified for design and planning in the Capital Investment Programme 2014 to 2016, a timeframe for funding the construction of the scheme has not been identified.

Notwithstanding the negotiations that are ongoing with the surety provider to resolve the defects with the percolation area for the wastewater treatment plant, following the establishment of Irish Water, there is no funding mechanism for the local authority to operate and maintain such stand alone treatment plants.

The recent Circular from the Department of the Environment, Community and Local Government, Circular PL 5/2014 *“Matters relating to Taking in Charge of Residential Developments”* acknowledges the challenges with such developments and states that *“work is underway to put in place a strategy, including funding options, for addressing deficiencies in these estates”*.

**Cllr. M. Gleeson stated that the residents in this estate were very patient. The Council should make their lives more tolerable. They are left in limbo. He called on the Council to expedite whatever needs to be done and bring it to an appropriate standard. The residents need to live in peace and harmony with their neighbours.**

**6. Cllr. M. Gleeson:** That the Council would state if there has been progress towards the acquisition of land for the development of a parking area adjacent to the Church and Funeral Home in Gneeveguilla.

**Reply:** The landowner in question has been contacted and negotiations are on going. Subject to a positive response from the landowner, the Council will revert with a cost estimate for the works involved. This project would be suitable for funding under the Municipal District Operations Fund.

**Cllr. M. Gleeson stated that it was his third time in a row putting this item on the Agenda. He asked had any renewed contact been made with the landowner. When funerals take place, the area is chaotic. Can any ground be made available for parking? The people would be so grateful. He stated he would be willing to help with his Councillor's Allocation.**

**Cllr. J.J. Culloty Seconded the Motion. He said it was a very serious issue. He said if an accident occurred here, the emergency services would have great difficulty accessing the area.**

**7. Cllr. D. Grady:** To ask Kerry County Council to carry out urgent resurfacing on the slip road off Park Road between (details with Directorate).

**Reply:** Kerry County Council will repair this section of roadway as funds allow. There is no funding available to resurface this section of road at present. This section of roadway could be considered for a Community Involvement Scheme if the adjacent landowners are in agreement.

**Cllr. D. Grady stated that the road had a lot of potholes and was in urgent need of repair.**

**Cllr. M. Gleeson Seconded the Motion.**

**8. Cllr. D. Grady:** To ask Kerry County Council to cut back the trees on the right hand side of the By-Pass as they are blocking the public lighting.

**Reply:** These works will be included in tree maintenance works to be carried out by mid-March.

**Cllr. D. Grady stated that a lot of light was being lost due to the overgrown trees. It was important that the trees be cut back as a lot of people use this road.**

**9. Cllr. D. Grady:** Why was the sign "Blackspot" taken away at Knockaderry where we had a major accident recently? I understand that the reasons are not common sense. When the sign was removed by the NRA, why was the bend not straightened and crash barriers erected?

I wish to acknowledge and praise all the emergency services involved in the accident at Knockaderry for their professionalism carried out on that day.

**Reply:** All the signs on the N22 have been upgraded over a number of years by the National Roads Authority. The upgraded signs are in accordance with the current standard in the Road Traffic Signs Manual. The 'Accident Blackspot' is no longer included in the Traffic Signs manual, has no legal standing and has no recognition internationally.

In regard to any works at the locus of the bend in question, the NRA is currently carrying out a Road Safety Inspection (HD17 Road Safety Inspection) on the entire N22.

The NRA HD17 Road Safety Inspection (RSI) is a new safety procedure that was introduced by the NRA. RSI is a proactive approach to improving the safety of the existing national road network.

RSI teams examine the collision trends for each route before the inspection takes place to establish if there are any particular collision patterns associated with a route. The RSI team drives the whole length of the route in both directions, in daylight and darkness, and also in particular weather conditions if required. The RSI teams inspect all other road elements and junctions, and 200m of all side roads leading up to the main route. Video data of the route is collected during the RSI.

The RSI team identifies any safety related items that require further review. The RSI findings are then compiled into the RSI report. The RSI team carry out an informal risk assessment of each identified hazard, which is provided in the report. The final report is submitted to the NRA.

The Road Safety Inspection Team has completed all inspections on the N22 and is currently preparing a report for the NRA. Once the NRA receives this report, they will prioritise any safety works that are required and fund them as they see fit. If there is a safety issue at this bend at Knockaderry it will be identified in the safety inspection.

**Cllr. D. Grady stated that he was disappointed that the "Blackspot" sign was removed. It was important that people knew the location was one where accidents occurred. The reasons for its removal were not common sense.**

**Cllr. B. Cronin stated that he had a similar Notice of Motion at a Council Meeting. There have been accidents at this location over the years.**

**Cllr. Grady praised the emergency services who attended the scene of the recent accident.**

**Mr. Paul Neary referred to the "Blackspot" sign and stated that same was no longer legal. He stated that he will be meeting with Lucy Curtis from the NRA shortly and will discuss the location with her. He confirmed that Ms. Breda Mulryan and himself will be meeting the landowner shortly.**

**Cllr. J. Sheahan** stated that there are 3 large potholes at this location and asked if they could be dug up and refilled.

**Cllr. D. Healy-Rae** asked if safety barriers could be erected on the right hand side before the residential property. He stated that children play in the yard of that property and the potential of an accident occurring here was high. He asked if this could be incorporated into the NRA study.

**10. Cllr. D. Grady:** That we would ask the Killarney Municipal District Manager to immediately mark out the trading spaces at the Market Cross in Killarney Town Centre. The traders are trading there every day and they have it in a deplorable condition.

**Reply:** The trading bays at Market Cross are clearly identified on the ground. The Traffic Wardens will monitor this area on a regular basis.

**Cllr. D. Grady** stated that this area is left in a deplorable condition by some traders. He stated that a Council Engineer marked out spaces at the location but the traders moved the tape. He asked the Council to ensure that the traders had the correct licences. If they do not comply with keeping the area clean, then they should be moved out. Local businesses are complaining about this.

The meeting adjourned at 1.30pm for a Reception for the Killarney Branch of the Order of Malta in recognition of their 75<sup>th</sup> Anniversary.

The meeting resumed at 2.30pm.

**11. Cllr. J. Sheahan:** That Kerry County Council widen the dangerous humpback bridge at Anablath, Kilcummin on L-3009-100.

**Reply:** There is no funding available at present to widen this bridge. The possibility of signing this bridge as one way yield system will be investigated. These works would be suitable for funding through the Municipal District Operations Fund.

**Cllr. J. Sheahan** stated that this was a very dangerous humpback bridge. Both sides of the bridge have straight approach roads and sometimes cars meet on the bridge at unaware of the danger caused by its width. People not familiar with it are approaching it at speed. There were two very serious accidents at this bridge and people were badly hurt. The emergency services attended the scene and people had to be cut from their cars. Cllr. Sheahan called on the Council to seek funding to widen this bridge.

**Cllr. J.J. Culloty** stated that he had moved a similar Motion. The slight hump on the bridge obstructs the view. Something needs to be done here. People need to be made aware of the dangers of the bridge.

**12. Cllr. J. Sheahan:** That Kerry County Council cut back the overgrown hedge at the junction for Rathbeg, just east of the Bridge Bar at L-7056-0 / N72-91.

**Reply:** Kerry County Council will reduce the height of the hedge at the point of the bend, prior to the junction of the L-7056/N72, in order to improve the sight lines at this point.

**Cllr. J. Sheahan stated that he was very concerned about this as there have been a few near misses at this location. He thought it would be more practical to cut the hedge.**

**13. Cllr. J. Sheahan:** That Kerry County Council install traffic calming measures close to Reen's Garage on the N72 at Rathmore. Traffic is exceeding the speed limit on this straight stretch of road.

**Reply:** The current position with regard to this type of Safety Measures Scheme is that the National Roads Authority directly determines the locations that will be funded based on criteria that are set down in the Technical Standard HD15 Network Safety Ranking which forms part of the NRA Design Manual for Roads and Bridges. Network Safety Ranking uses collision data to rank the safety of national roads and to identify high collision locations on the national road network. The results of this collision analysis go towards targeting annual road safety remedial measures.

This location is not included on the NRA's list of schemes which are currently being examined under the HD15 Network Safety Ranking system. Furthermore, there are no recorded accidents over the past 5 years at this location associated with pedestrian movements which would support a formal request for the NRA Safety Section to carry out an assessment. However, the matter will again be discussed with the NRA at the next meeting to determine if there is a way to progress the proposal.

Kerry County Council will also request the Gardaí to carry out speed checks at this location.

**Cllr. J. Sheahan stated that customers and employees of Reen's Garage were subjected to very fast traffic passing the premises. It is on a straight stretch of road where cars overtake at high speeds. A very serious accident will occur here.**

**Mr. P. Neary stated that this area is not in a speed restricted zone. It is therefore very difficult to enforce. He said the speed problem was a matter for the appropriate Authorities to monitor.**

**14. Cllr. J. Sheahan:** That Kerry County Council remove the park bench at Ross Road adjacent to the racecourse. The bench is a meeting place late at night for noisy young people causing upset to the residents.

**Reply:** This bench has been removed.



**Cllr. J. Sheahan asked if the correct bench had been removed as he thought that the one referred to was still in place.**

**Mr. P. Neary stated that the bench was probably only moved in the last day or two.**

**15. Cllr. J. Sheahan:** That Kerry County Council request again that the NRA provide 2 pedestrian crossings in Rathmore - (a) crossing at Crèche to the Community Centre and (b) crossing west of Shinnagh Cross to Hickey's Supermarket.

**Reply:** These proposed pedestrian crossings in Rathmore would be located on the N72 National Secondary Road network. Any improvement works, including the construction of a pedestrian crossing, is subject to the approval of and provision of funding from the National Roads Authority. The current position with regard to this type of Safety Measures Scheme is that the Authority directly determines the locations that will be funded based on criteria that are set down in the technical standard HD 15 Network Safety Ranking which forms part of the NRA Design Manual for Roads and Bridges. Network Safety Ranking uses collision data to rank the safety of national roads and to identify high collision locations on the national road network. The results of this collision analysis go towards targeting annual road safety remedial measures.

This location is not included on the NRA's list of schemes which are currently being examined under the HD15 Network Safety Ranking system.

However, having regard to the motions moved by the members, we have agreed with the relevant NRA inspector to carry out further analysis on the need for these crossings and make further submissions to the NRA for approval and funding.

**Cllr. J. Sheahan stated that a pedestrian crossing at this location was long overdue. It is a very busy road and hazardous to cross.**

**Cllr. N. Kelleher stressed the need for two pedestrian crossings. Both locations are extremely busy.**

**16. Cllr. J. Sheahan:** To ask Kerry County Council to resurface Kilbonane Road, Beaufort, Killarney.

**Reply:** The roadway at Kilbonane Beaufort is not in the charge of Kerry County Council therefore works cannot be carried out there.

**Cllr. J. Sheahan stated that the road was in a very bad condition and it hasn't be overlaid for years. It used to be the main road to Killorglin but was dropped from that status. It is also a through-road. He asked the Council to seek funding for resurfacing works.**

**Cllr. B. Cronin Seconded the Motion. This road was once in the public roads network. He asked when did the changeover take place.**

**17. Cllr. D. Healy-Rae:** To ask that a proper reinstatement job is done on the lags at Dromcarbin, Headford.

**Reply:** Temporary works were carried out to the lags at Dromcarbin, Headford in December 2014. The entire road pavement needs to be resurfaced. There is no funding available at present for this work. This work could be considered for inclusion in the 2015 Discretionary Maintenance Programme.

**Cllr. D. Healy-Rae said that the road was in an awful state. Temporary repairs were carried out here but a proper job needs to be done. Very heavy traffic uses this road.**

**Cllr. N. Kelleher stated that there were severe lags on the road and somebody was going to get hurt. The road will continue to deteriorate.**

**18. Cllr. D. Healy-Rae:** To ask Kerry County Council to provide a public light adjacent to the Graveyard in Cordal.

**Reply:** Kerry County Council has inspected this location as per previous requests.

Currently due to the constraints on maintaining the existing public lighting network, including increasing energy costs, the Council has not been in a position to fund the provision of additional lighting to the public network, except in exceptional circumstances. In recent years the taking in charge of housing estates has increased our public lighting costs and there will be additional costs with the proposed taking in charge of other estates in the coming years.

Under the provisions of EU Directive 2006/32/EC and S.I. No. 542/2009 - European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009, Kerry County Council is also required to make substantial reductions in energy consumption, including on public lighting. This will necessitate substantial investment in either retrofitting our existing public lighting network with more efficient lighting equipment and/or restricting the provision of new lights on the existing network.

This is an issue that needs to be further examined in the context of the limited funding available for the provision of all services, and the needs of the community.

Any request to provide additional public lighting at adjacent to the Graveyard in Cordal will need to be assessed as part of a Public Lighting policy, which will be developed through the Operations SPC, given the existing demands on the Council to maintain existing public lighting infrastructure throughout the County.

**Cllr. D. Healy Rae stated that the residents of Cordal need the graveyard lit up. People who have relatives buried there are asking for a light.**

**Cllr. N. Kelleher agreed with Cllr. D. Healy-Rae on this Motion. He stated that there is no light from the estate down to the graveyard.**

**19. Cllr. D. Healy-Rae:** To ask Kerry County Council to repair the bad lags at Tooreencahill and Lisbaba.

**Reply:** Repair works will be carried out on the bad lags at Tooreencahill and Lisbaba within the next 3 weeks.

**Cllr. D. Healy Rae welcomed the reply.**

**20. Cllr. D. Healy-Rae:** To ask Kerry County Council to provide a public light adjacent to the Grotto at the Quarry Cross, Gneeveguilla.

**Reply:** Kerry County Council has inspected this location.

Currently due to the constraints on maintaining the existing public lighting network, including increasing energy costs, the Council has not been in a position to fund the provision of additional lighting to the public network, except in exceptional circumstances. In recent years the taking in charge of housing estates has increased our public lighting costs and there will be additional costs with the proposed taking in charge of other estates in the coming years.

Under the provisions of EU Directive 2006/32/EC and S.I. No. 542/2009 - European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009, Kerry County Council is also required to make substantial reductions in energy consumption, including on public lighting. This will necessitate substantial investment in either retrofitting our existing public lighting network with more efficient lighting equipment and/or restricting the provision of new lights on the existing network.

This is an issue that needs to be further examined in the context of the limited funding available for the provision of all services, and the needs of the community.

Any request to provide additional public lighting at the Grotto at the Quarry Cross, Gneeveguilla will need to be assessed as part of a Public Lighting policy, which will be developed through the Operations SPC, given the existing demands on the Council to maintain existing public lighting infrastructure throughout the County.

**Mr. P. Neary stated that the funding for public network lighting has reduced. The Operations SPC is to re-examine the policy regarding provision of lighting.**

**Cllr. M. Gleeson** stated that a light would be of great assistance here. The current light is being maintained by a private individual and the bills he received for same were huge. He asked that Ms. Breda Mulryan would liaise with this individual.

**Mr. J. Breen** stated that there are a number of Notices of Motion relating to this issue. A policy needs to be drafted to deal with this matter. He stated that he will speak with the Director of Operations in this regard. There are costs associated with provision of lights outside of a "roads" scenario. Mr. Breen said he will see if something could be done. Provision of additional lighting is adding to the Council's electricity costs. Mr. Breen agreed to bring this matter before the next Operations SPC.

**Cllr. D. Healy-Rae** stated that the rate payers of Gneeveguilla were seeing very little for the rates they pay. He stated it wouldn't cost much to run an LED light at this location.

**21. Cllr. D. Healy-Rae:** To ask Kerry County Council to strengthen and resurface the Maulyekane Road in Headford.

**Reply:** There is no funding currently available to strengthen and surface the L-11089/L-11090 Roadways (Maulyekane Road) in the Townlands of Knockaninane East, Mastergeeha and Maulyarkane, Headford. These roadways can be considered for inclusion in the next multi-annual Road Restoration Improvement Programme, which is due for review in 2016. Meanwhile the road will be maintained as far as funds allow.

**Cllr. D. Healy-Rae** stated that the massive lags had worsened and potholes were now appearing. He requested that this be placed on the next programme of works and keep it properly maintained.

**22. Cllr. D. Healy-Rae:** To ask Kerry County Council to cut the trees and bushes on the Northern side of the N22 so that cars going towards Cork can see cars accessing junction at Inch, Clonkeen.

**Reply:** These trees and bushes will be cut back to improve the sight distance at this junction.

**Cllr. D. Healy-Rae welcomed the reply.**

**23. Cllr. D. Healy-Rae:** To ask Kerry County Council and NRA will the Railway Crossing at Minish be upgraded - it is over 5 years since I raised this serious problem and cars and large vehicles are being wrecked going over this crossing. It is only a matter of time before a serious accident happens here.

**Reply:** This location on the N22 National Primary Route has been submitted to the National Roads Authority for consideration of the provision of Supplementary Maintenance funding. This is a new scheme being introduced

by the NRA whereby Local Authorities can request additional maintenance funding to deal with specific issues that would not be feasible from a financial perspective under the annual Ordinary Maintenance allocation. No funding has yet been allocated for this work. An NRA Inspector will be in Kerry in the next month and this location will be discussed with him.

**Cllr. D. Healy-Rae stated that he was promised that these works would be carried out in the next year and that was 2 or 3 years ago. A lot of damage is being done to cars and large vehicles. It is not good enough and this is the primary route to Killarney. Cllr. Healy-Rae stated that the works involved would cost €25,000. This work needs to be carried out this year.**

**Cllr. M. Gleeson stated this was a very dangerous location and there will be an accident here. This is compounded when the road is flooded. There are no open gullies here. It is very easy for someone to lose control of their steering wheel driving over this crossing.**

**Cllr. J.J. Culloty agreed with the views expressed. He has been informed of the dangers from cyclists.**

**Mr. David Doyle confirmed that the NRA are due to visit shortly and they will visit this location.**

**Mr. P. Neary agreed that the gullies would also be cleared.**

**24. Cllr. J.J. Culloty:** That this Council provide one extra light at Tureencahill National School, which is now being used as a Community Centre for activities which mainly take place at night time, and the current lighting is inadequate and dangerous.

**Reply:** Kerry County Council has inspected this location.

Currently due to the constraints on maintaining the existing public lighting network, including increasing energy costs, the Council has not been in a position to fund the provision of additional lighting to the public network, except in exceptional circumstances. In recent years the taking in charge of housing estates has increased our public lighting costs and there will be additional costs with the proposed taking in charge of other estates in the coming years.

Under the provisions of EU Directive 2006/32/EC and S.I. No. 542/2009 - European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009, Kerry County Council is also required to make substantial reductions in energy consumption, including on public lighting. This will necessitate substantial investment in either retrofitting our existing public lighting network with more efficient lighting equipment and/or restricting the provision of new lights on the existing network.

This is an issue that needs to be further examined in the context of the limited funding available for the provision of all services, and the needs of the community.

Any request to provide additional public lighting at Tureencahill National School will need to be assessed as part of a Public Lighting policy, which will be developed through the Operations SPC, given the existing demands on the Council to maintain existing public lighting infrastructure throughout the County.

**This Motion was discussed in conjunction with NoM No 20 above.**

**25. Cllr. J.J. Culloty:** That this Council place signage on both sides of Tournonough Bridge, Gneeveguilla, warning motorists that it is not possible for two cars to meet on the bridge. There have been many accidents and near misses at this location.

**Reply:** There is no funding available at present to widen this bridge. The possibility of signing this bridge as one way yield system will be investigated. These works would be suitable for funding through the Municipal District Operations Fund.

**Cllr. J.J. Culloty acknowledged the reply.**

**26. Cllr. J.J. Culloty:** As the residents of Whitebridge Manor have, for far too long, had to endure excessive noise from traffic, that this Council erect a barrier on the N22 which would have the effect of reducing the noise levels which is currently causing distress to residents living adjacent to this busy road.

**Reply:** There is existing planting and landscaping between the road and this development, which acts as a sound barrier. We will carry out further assessments to determine the appropriateness of any additional measures. There is no funding available from the NRA for such works and if it is determined that any measures are required, the cost of the works may be suitable for funding under the Municipal District Operations Allocation.

**Cllr. J.J. Culloty referred to the work that was carried out on the By-Pass and asked if similar work could be carried out here.**

**27. Cllr. J.J. Culloty:** That this Council install a public light on the Beech Road, Killarney, near O'Sullivan's Bike Shop & Horan's Fruit & Veg., as at present, this area is poorly lit and can be dangerous for pedestrians.

**Reply:** Additional lighting will be provided along this section of footpath as part of the upgrading of New Street Car Park. These lights were removed as part of the upgrade works to New Street Car Park and will be replaced.

**Cllr. J.J. Culloty welcomed the reply.**

**28. Cllr. J.J. Culloty:** That this Council fit speed indicators at Ballydowney which would make motorists aware of the speed at which they are travelling. In areas where these speed indicators have been fitted, they have a calming effect on traffic.

**Reply:** The current position with regard to the provision of a Safety Measures Scheme is that the Authority directly determines the locations that will be funded based on criteria that are set down in the technical standard HD 15 Network Safety Ranking which forms part of the NRA Design Manual for Roads and Bridges. Network Safety Ranking uses collision data to rank the safety of national roads and to identify high collision locations on the national road network. The results of this collision analysis go towards targeting annual road safety remedial measures. This location is not included on the NRA's list of schemes which are currently being examined under the HD15 Network Safety Ranking system.

However, further to meeting with the NRA, additional signs will be provided along this section of road. Improvements to the sight lines at the Ballydowney Riding Stables will also be carried out. The section of road is already situated within a 50 km/h speed limit.

**Cllr. J.J. Culloty stated that speed indicators have an effect of calming traffic in a safe way. It is a very busy road.**

**Mr. D. Doyle stated that the sight lines had been improved. He said that they would look and see if something could be done about it.**

**Cllr. B. Cronin Seconded the Motion. He stated that he had a Motion previously regarding this and Bellview Estate. He welcomed the additional signage. He stated that the residents have requested traffic calming from Ballydowney to Tomies Cross. Can this be examined when the Speed Limit Review is undertaken?**

**Cllr. D. Grady stated that the residents in Ballydowney did not want rumble strips.**

**Cllr. D. Healy-Rae asked what the speed limit was.**

**Mr. D. Doyle replied that it was 50km/h.**

**Cllr. J.J. Culloty stated that people were not adhering to this limit.**

**29. Cllr. J.J. Culloty:** That this Council replace the paving, which has sunk, across from the Killarney Cultural Centre, on the East Avenue Road. At present these pavings are very unsightly and hold puddles of water.

**Reply:** Repairs to the paving on this section of East Avenue Road will commence in the next month.

**Cllr. J.J. Culloty welcomed the reply.**

**30. Cllr. J.J. Culloty:** That this Council provide three designated bus parking spaces on the East Avenue Road to cater for the 'hop-on, hop-off' buses which provide transport for tourists who wish to travel the vicinity of the town.

**Reply:** Designated bus parking currently exists along East Avenue Road. A new Bus Park was provided at Lewis Road Bus Park in 2014.

In addition to this, dedicated set-down areas are to be provided along East Avenue Road. This will require amendments to the current 'On Street Parking Bye Laws'.

It is our intention to carry out a full review of the Parking Bye-laws this year subject to availability of resources and this proposal can be considered as part of this process.

**Mr. D. Doyle stated that parking bye-laws would address the issue at this location. He said that something should be done at Scott's to make it a public set down for a set period of time.**

**Cllr. N. Kelleher asked that something be done before the season starts.**

**31. Cllr. J.J. Culloty:** As there have been many accidents on the bend on the upper side of Spa GAA Grounds, I call on this Council to fit a safety barrier and replace the existing concrete fencing which is very much in need of replacing.

**Reply:** The Roads Act 1993 confirms that the repair and replacement of any fence adjoining a public road is the responsibility of the adjoining landowner. The provision of a safety barrier would be desirable. However, there is no funding available at present for this work, but may be suitable for funding under the Municipal District Operations Fund.

**Cllr. J.J. Culloty welcomed the reply. He stated that he would try and get improvements carried out under the County Councillor's Allocation.**

**32. Cllr. B. Cronin:** In light of the serious danger for traffic exiting from the Ballycasheen Junction on the N22 turning right towards Lissivigeen, can the Council urgently carry out a Junction Safety Audit?

**Reply:** Kerry County Council will arrange for a safety audit to be carried out at this Junction.

**Cllr. B. Cronin stated that traffic trying to exit and turn right onto the N22 to Cork, has to deal with Killarney traffic going past the junction and also turning right into Ballycasheen. They also have traffic coming into Killarney from Cork side. People waiting long periods of time to access the N22. Undertake some measures here.**



**Cllr. D. Grady** stated that this issue has been before the Councillors many times before. It is a very important issue. He asked Council staff to revert on the matter.

**Mr. D. Doyle** stated that a Speed Limit Review would be carried out from Lissivigeen inwards and to reduce the speed to 60 km/h. This might slow the traffic down.

**33. Cllr. B. Cronin:** When will protective safety barriers be erected at the Kilkneeden Junction with the N22?

**Reply:** In regard to the above protective safety barriers, the NRA is currently carrying out a Road Safety Inspection (HD17 Road Safety Inspection) on the entire N22. The NRA HD17 Road Safety Inspection (RSI) is a new safety procedure that was introduced by the NRA. RSI is a proactive approach to improving the safety of the existing national road network. RSI teams examine the collision trends for each route before the inspection takes place to establish if there are any particular collision patterns associated with a route. The RSI team drives the whole length of the route in both directions, in daylight and darkness, and also in particular weather conditions if required. The RSI teams inspect all other road elements and junctions, and 200m of all side roads leading up to the main route. Video data of the route is collected during the RSI. The RSI team identifies any safety related items that require further review. The RSI findings are then compiled into the RSI report. The RSI team carry out an informal risk assessment of each identified hazard, which is provided in the report. The final report is submitted to the NRA.

The Road Safety Inspection Team has completed all inspections on the N22 and is currently preparing a report for the NRA. Once the NRA receives the report they will prioritise any safety works that are required and fund them as they see fit. If there is a requirement for a safety barrier at this location, it will be identified in the safety inspection and funded by the NRA in due course.

**Cllr. B. Cronin** stated that Brennan's Glen is on a National Primary Road. There is a 6ft - 7ft drop at the side of the road with only briars in between. He stated that the NRA erected a barrier going into Farranfore on an incline and asked why they have not provided a barrier at this location where it is needed. Cllr. Cronin asked that this matter be brought to the attention of Lucy Curtis, NRA as it is very dangerous for the residents.

**Cllr. J. Sheahan** support Cllr. Cronin's Motion. He said that we can't get barriers at the location we want.

**Mr. P. Neary** stated that he has discussed the matter with Ms. Lucy Curtis and is confident that they will carry out works here.

**34. Cllr. B. Cronin:** To request a re-examination of the recent setting back of the white stop line at Madam's Hill Junction with the N22. Traffic from

Aghadoe/Ballyhar have now double the distance to cross the National Primary Route, increasing the danger for motorists.

**Reply:** The road lining carried out recently at Madam's Hill Junction will be examined. It was amended to increase the sight distance lines at the point where cars stop, in accordance with existing national guidelines.

**Cllr. B. Cronin stated that 80% of the cars coming down the hill are crossing the new white line to get out to the verge of the road. He stated that Fossa Community Alert are very concerned regarding the alteration, especially for older drivers. The starting position is now much further back. There was a bad accident at this location last weekend. It doesn't make sense. It has now become more dangerous.**

**Cllr. N. Kelleher said the sight line is very bad. Motorists have to cross the white line in order to gain access to the road. Everyone is now passing the line to get onto the main road.**

**Cllr. D. Healy-Rae stated that he had met people from there. Where the old markings were, you didn't have a proper view of the traffic from the Tralee side. There is a problem with sight distance.**

**Cllr. B. Cronin asked that the location be reviewed. He said he was proposing this on behalf of the residents, cyclists and Fossa Community Alert.**

**Cllr. D. Healy-Rae said there was a big problem here. The speed limit needs to be reduced.**

**Mr. D. Doyle agreed to review this. He stated that there are better sight lines now.**

**35. Cllr. B. Cronin:** To request that the following locations be included in the 2015 speed limit review:

- (a) Two-mile School - Knockasarnett - Coolgarraiv
- (b) Ballydowney to Fossa
- (c) Madam's Hill Junction to Coolcorcoran Junction

**Reply:** These locations can be considered in the next Speed Limit Review, which we hope to commence this year, subject to work commitments, availability of resources and the priorities of the Council.

**Cllr. B. Cronin asked that the Council ensure that these locations are included in the Review. There are critical issues here.**

**Mr. D. Doyle stated that this was subject to NRA approval.**

**36. Cllr. B. Cronin:** That a double yellow line be put in the new roundabout at McSweeney's Corner in Killarney Town.

**Reply:** Double yellow lines are due to put down at the roundabout at McSweeney's Corner, Killarney, within the next two to three weeks, depending on the weather conditions.

**Cllr. B. Cronin** congratulated the Council on the work done. He stated that the pedestrian access is a huge improvement.

**Cllr. N. Kelleher** stated that he still had reservations voting for the amendments made to the proposals for this junction at the previous meeting. He still sees people parking in the two lane approach to the roundabout from the Friary direction. People are parking blatantly on the approach to this junction.

**Cllr. D. Healy-Rae** asked if the barrier at McSweeney's could come out a bit further for people crossing the road.

**37. Cllr. B. Cronin:** To request the construction of Pedestrian Safety Islands at the new pedestrian crossings at High Street Junction, Killarney for the protection of pedestrians exiting from the car park and the high volume of residents using this crossing.

**Reply:** Kerry County Council is currently in the process of finalising a Safety Audit at this Junction. Following this audit, the traffic and pedestrian movements at this junction will be re-examined.

**Cllr. B. Cronin** stated that he hoped it would be changed. He stated that Main Street should have right of access. He stated that the timeframe for crossing the road is ok if the person is in good health, however, for the elderly and people with small children, the timeframe is too short and the lights change before the person reaches the other side. Maybe a safety island should be provided. There is a huge span in that road.

**Cllr. J.J. Culloty** referred to Question No. 18 on the Agenda.

**Mr. D. Doyle** stated that a full safety audit of the junction will be undertaken and any improvements, if needed, will be carried out. He stated that the timings for crossing the road were adequate but reiterated that this will be looked at as part of the safety audit.

**Mr. P. Neary** stated that he would meet the Members at the location if they wished.

**Mr. D. Doyle** stated that GPS systems were bringing motorists down Monsignor O'Flaherty Road. He has written to the GPS companies about this. Cars coming up High Street heading to Tralee are being directed onto Monsignor O'Flaherty Road by the Sat Navs. Cars have to turn around as Monsignor O'Flaherty is a cul-de-sac road. A Section 38 process involving public consultation will have to take place to amend the traffic flow arrangements that currently exist at the High Street

**junction. It was recommended to wait for the safety audit to be completed before making any changes to High Street.**

**38. Cllr. B. Cronin:** To repair the bad potholes on the road at Scart Cross leading to (details with Directorate) and others.

**Reply:** Maintenance works have been carried out on the L-11036 roadway at Scart on the N22.

**Cllr. B. Cronin welcomed the reply.**

**39. Cllr. B. Cronin:** To again request that the bad lags be repaired on the road from Faha NS North to Rockfield.

**Reply:** Repair work will be carried out on the lags on the L-11007 roadway at Faha West, opposite Faha National School within the next four weeks.

**Cllr. B. Cronin stated that there were a number of bad lags on this road. He appreciated that the works would be done. He stated that heavy machinery uses this road. It is also used to transport sludge to the Waste Water Treatment Plan.**

**40. Cllr. N. Kelleher:** That traffic calming measures would be put in place near the football pitch at Gortglass, Scartaglen to slow down speeding traffic, particularly in view of the volume of children crossing this road to access the football pitch.

**Reply:** There is no funding available for a traffic calming scheme at this location. Additional signage can be provided which would be suitable for Municipal District Operations Fund. We will also request the Gardaí to carry out speed checks here.

**Cllr. N. Kelleher noted the reply.**

**41. Cllr. N. Kelleher:** As the former school in Tureencahill is now a Community Centre, can a second light be erected on the north side of the Centre as it will mostly be used at night.

**Reply:** Kerry County Council has inspected this location.

Currently due to the constraints on maintaining the existing public lighting network, including increasing energy costs, the Council has not been in a position to fund the provision of additional lighting to the public network, except in exceptional circumstances. In recent years the taking in charge of housing estates has increased our public lighting costs and there will be additional costs with the proposed taking in charge of other estates in the coming years.

Under the provisions of EU Directive 2006/32/EC and S.I. No. 542/2009 - European Communities (Energy End-use Efficiency and Energy Services)

Regulations 2009, Kerry County Council is also required to make substantial reductions in energy consumption, including on public lighting. This will necessitate substantial investment in either retrofitting our existing public lighting network with more efficient lighting equipment and/or restricting the provision of new lights on the existing network.

This is an issue that needs to be further examined in the context of the limited funding available for the provision of all services, and the needs of the community.

Any request to provide additional public lighting at Tureencahill Community Centre will need to be assessed as part of a Public Lighting policy, which will be developed through the Operations SPC, given the existing demands on the Council to maintain existing public lighting infrastructure throughout the County.

**This Motion was discussed in conjunction with NoM No 20 above.**

**42. Cllr. N. Kelleher:** To ask Kerry County Council have proposals been submitted to the NRA with regards to the upgrading of the Main Street in Rathmore to include pedestrian crossing, footpaths, traffic calming and lighting and if not, when?

**Reply:** The Main Street was overlaid in recent times through funding from the NRA. It would be desirable to carry out a landscape plan for the upgrading of footpaths and the general amenities of the town. However, this would require substantial funding and at present there is no funding stream available for these works. Such a project would be suitable for consideration under a program of works that could be developed through a Development Contribution Scheme.

**This Motion was discussed in conjunction with NoM No 15 above.**

**43. Cllr. N. Kelleher:** What is the update with regards to the light outside (details with Directorate) in Rathmore?

**Reply:** Kerry County Council have all the civil work completed and new application for network connection completed. Our electrical contractors have the required electrical work completed and associated certification submitted. Currently we are waiting for ESB Networks to energise our newly installed public lighting micro pillar which will enable us to test and commission the public light.

**This Motion was discussed in conjunction with NoM No 20 above.**

**44. Cllr. N. Kelleher:** What is the update on the bridge at Knocknaboul, Ballydesmond?

**Reply:** Kerry County Council have appointed a contractor to carry out these works. Due to the requirements of the Inland Fisheries, works cannot commence on this bridge until May 2015.

**Cllr. N. Kelleher stated that he did not realise the Inland Fisheries had requirements in relation to these works. He asked that work commence as soon as possible.**

**45. Cllr. N. Kelleher:** Can the repairs to the Banard to Scrahanagullaun Road be done.

**Reply:** Maintenance works will be carried out on the L-7045, Barnard to Scrahangullaun Road this week.

**Cllr. N. Kelleher welcomed the reply.**

**46. Cllr. N. Kelleher:** Can repairs to the road at Sliabh Luachra Estate in Gneeveguilla be carried out.

**Reply:** Repairs have been carried out to the roadway within the Sliabh Luachra Estate, Gneeveguilla.

**Cllr. N. Kelleher welcomed the reply.**

### **(c) Questions**

**1. Cllr. M. Gleeson:** At the beginning of a new year and prior to the commencement of a vital tourist season, is there any possibility that some statutory body would eliminate the deplorably uneven surface at Minish Level Crossing? Failure to do so will undoubtedly sooner or later result in a serious accident, maybe even a fatality.

**Reply:** This location on the N22 National Primary Route has been submitted to the National Roads Authority for consideration of the provision of Supplementary Maintenance funding. This is a new scheme being introduced by the NRA whereby Local Authorities can request additional maintenance funding to deal with specific issues that would not be feasible from a financial perspective under the annual Ordinary Maintenance allocation.

No funding has yet been allocated for this work. An NRA Inspector will be in Kerry in the next month and this location will be discussed with him.

**Cllr. N. Kelleher noted the reply.**

**2. Cllr. M. Gleeson:** Is there any hope of some money being made available to make safe the existing footpath from Ballyspillane Roundabout to Supervalu Supermarket? Its present condition is hazardous for all.

**Reply:** Works are completed on a new footpath on the western side of Upper Park Road from Ballyspillane roundabout to Park Shopping Village. The

footpath on the eastern side requires repair at a number of locations. There is currently no funding available for this work. This would be suitable for funding through Municipal District Operations Fund.

**Cllr. M. Gleeson said that because one side of the road was cleared up, it now shows up the other side. People have fallen on the footpath on the eastern side. It is extremely uneven. It leads to an estate that has 200+ houses. This should be a priority.**

**3. Cllr. M. Gleeson:** Does the Council interact with forestry growers with a view to ensuring that, in the interest of safety, they keep the tree branches well trimmed back from the roadways?

**Reply:** Each year Kerry County Council Roads Enforcement Officer sends out hedgecutting notices to more than 5000 landowners, advising them of their responsibilities under the Roads Act in relation to hedgecutting. In addition to this, advertisements are placed in the local newspapers advising all landowners of their duties with respect to hedges. The Roads Enforcement Officer approaches specific landowners when contacted by the public or Elected Members regarding any overgrown hedges. Forestry growers are responsible for trees along a public road. If there is a specific location identified, we will ask our Roads Enforcement Officer to follow up with the land owner / forestry grower.

**Cllr. M. Gleeson stated that a bye-law should exist preventing the planting of trees within 4 metres of a road. People are terrified of swaying branches overhead. This is a problem across from Loughguittane School. Coillte needs to be contacted regarding this matter.**

**Cllr. B. Cronin supported the Motion. He referred to forestry planted along roadsides which causes very dangerous areas. Owners should be made cut them back. A clear mandate should also exist in relation to installation of power lines.**

**Cllr. D. Healy-Rae stated that trees should be planted a "falling distance" from the road.**

**Mr. J. Breen stated that the planting of trees was not subject to planning. An anomaly exists here.**

**4. Cllr. D Healy-Rae:** Following my earlier emergency motion at the last Killarney Municipal Meeting, what response has been received in relation to the request for a Safety Audit on the National Primary Route at Rusheen Beg, Glenflesk where numerous accidents have also taken place.

**Reply:** The N22 has been inspected by a Road Safety Inspection Team and a report has been forwarded to the NRA. If this location is identified as requiring improvements, the NRA will allocate funding in due course.

**Cllr. M. Gleeson** stated that this was the most serious Notice of Motion that he had on the Agenda today. Five fatalities have occurred here. Barriers need to be extended further along the road. A new barrier was installed further up the road on both sides leading up to a private house. Why did the NRA do this?

**Mr. P. Neary** stated that a report from the Road Safety Inspection Team had been forwarded to the NRA regarding this location.

**5. Cllr. D Healy-Rae:** Has the OPW given any indication as to when they will provide additional funding to complete the dredging works on the Cullowa River, Rathmore.

**Reply:** The OPW have not provided any funding for additional dredging works on the Cullowa River, Rathmore.

**This Notice of Motion was dealt with in conjunction with the deputation from Rathmore.**

**6. Cllr. D Healy-Rae:** Has there been any response from the NRA in relation to the numerous requests for funding and approval for a pedestrian crossing from the Post Office to the Railway Station in Rathmore.

**Reply:** This location is not included on the NRA's list of schemes which are currently being examined under the HD15 Network Safety Ranking System. However, further to meeting with the NRA, drawings will be prepared together with appropriate safety audits and forward to the NRA for approval and funding.

**This Notice of Motion was dealt with in conjunction with Motion No. 15.**

**7. Cllr. D Healy-Rae:** When will the new LED Lighting Programme begin in Rathmore and Gneeveguilla as it was promised two years ago to start in 2015.

**Reply:** The introduction of the LED Light Replacement Scheme is subject to ongoing discussions and approval from CER and ESB Networks. These issues under discussion are complex and require careful consideration and it is taking time to resolve. Previously we had indicated that we hoped to move the introduction of the lighting in 2015 but no firm promises or undertakings were given on either Rathmore or Gneeveguilla. This position now remains as it was when this was previously discussed. We cannot give definitive promises on the implementation plan as we do not control the process and are reliant on approvals from other parties.

**This Notice of Motion was dealt with in conjunction with the deputation from Rathmore.**

**8. Cllr. D. Grady:** To ask Kerry County Council have we received the money for the Gap Cross and Fossa area roads that I requested last year?



**Reply:** This location on the N72 National Secondary Road will be submitted to the National Roads Authority for consideration of the provision of Supplementary Maintenance funding.

This is a new scheme being introduced by the NRA whereby Local Authorities can request additional maintenance funding to deal with specific issues that would not be feasible from a financial perspective under the annual Ordinary Maintenance allocation. Water services will provide permanent road reinstatement along the transverse road cuttings at this location.

**Cllr. D. Grady referred to the cutting of this road and stated that he thought the Council was to get extra money for these works. It is a highly dangerous location.**

**Mr. D. Doyle stated that no funding had been received for these works. He stated that he would apply to the NRA for funding. No other funding source available.**

**9. Cllr. D. Grady:** Can I have an update on the estate in Castleisland, Cahereens West?

**Reply:** The compromise agreement between Kerry County Council and the bondsman was signed before Christmas. This detailed the schedule of works to be done and the legal framework for the undertaking of same. The bondsman contractor dug out the storm water attenuation tanks (one of which had collapsed) and placed stone in them before Christmas. The contractor is on site and works are ongoing.

**Cllr. D. Grady acknowledged the reply.**

**Mr. D. Doyle stated that the work is ongoing.**

**10. Cllr. J. Sheahan:** To ask Kerry County Council what are the results of the range of tests that were carried out on the road surface at Mossy's Turn, Gortnahaneboy West, Rathmore on the N72. Residents are anxiously awaiting the commencement of road resurfacing at this location that is renowned for the number of accidents that have occurred there and the count goes on.

**Reply:** The Kerry National Road Design office carried out an assessment of this section of road, including a detailed survey of the site, traffic counts, vehicle speed survey, accident history analysis etc. This information formed part of a Technical Review Report of the Road Geometry which has been forwarded to the NRA for their consideration. Arising from the Report it is anticipated that intervention measures will be agreed with the NRA in February 2015.

**Mr. D. Doyle stated that if funding is received, then the works will commence.**

**Cllr. J. Sheahan stated that the residents can't understand why the NRA will not listen to them.**

**11. Cllr. J. Sheahan:** To ask Kerry County Council if any progress has been achieved in relation to the submission lodged to Coillte, requesting that a section of ground be donated to Kerry County Council for parking space at Loughitane National School.

**Reply:** Kerry County Council will liaise with Coillte over the next month to seek to acquire this strip of land. There is currently no funding available for this work.

**Cllr. J. Sheahan asked that the Council continue to persevere with the issue.**

**12. Cllr. J. Sheahan:** To ask Kerry County Council if progress has been achieved in regard to obtaining the ground required to provide a footpath at Furies Drive, Furies.

**Reply:** Kerry County Council is finalising negotiations with the landowner to acquire this strip of land. There is currently no funding available for this footpath.

**Cllr. J. Sheahan asked that the Council continue to persist with negotiations with the landowner on this issue.**

**13. Cllr. J. Sheahan:** To ask Kerry County Council when works are to commence to raise the height of the bridge walls of the Callowa River Bridge in Rathmore, as this is a Health and Safety issue.

**Reply:** There is currently no funding available to carry out works on this bridge. It is hoped that some bridge maintenance funding will be provided during 2015 to carry out these works.

**Cllr. J. Sheahan referred to the height of the bridge walls which are only at knee level. He said that the residents were concerned about the height.**

**Mr. P. Neary stated that he was confident that something will be done here.**

**Cllr. N. Kelleher stated that he thought a decision had been made at the last Municipal District meeting to put up railings on the bridge.**

**14. Cllr. J. Sheahan:** To ask Kerry County Council to provide street lighting at Furies Drive, Furies. A large portion of this hugely populated area is in darkness.

**Reply:** Public lighting has been provided as part of this development, which is currently the subject of a Taking in Charge application to Kerry County Council. Public Lighting is also provided from the entrance of this development to the centre of the village.

Currently due to the constraints on maintaining the existing public lighting network, including increasing energy costs, the Council has not been in a position to fund the provision of additional lighting to the public network, except in exceptional circumstances. In recent years the taking in charge of housing estates has increased our public lighting costs and there will be additional costs with the proposed taking in charge of other estates in the coming years.

Under the provisions of EU Directive 2006/32/EC and S.I. No. 542/2009 - European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009, Kerry County Council is also required to make substantial reductions in energy consumption, including on public lighting. This will necessitate substantial investment in either retrofitting our existing public lighting network with more efficient lighting equipment and/or restricting the provision of new lights on the existing network.

This is an issue that needs to be further examined in the context of the limited funding available for the provision of all services, and the needs of the community.

Any request to provide additional public lighting outside the Firies Drive Estate, will need to be assessed as part of a Public Lighting policy, which will be developed through the Operations SPC, given the existing demands on the Council to maintain existing public lighting infrastructure throughout the County.

**Cllr. J. Sheahan stated that there are no lights in Firies Drive and the residents have requested them. Kerry County Council needs to step up to the mark. We need to see a result on this.**

**15. Cllr. J. Sheahan:** To ask Kerry County Council to replace the front door of a Council tenant as water is leaking and the home is impossible to heat (details with Directorate).

**Reply:** Kerry County Council is currently investigating the condition of the tenant's front door. Remedial works will be carried out to reinstate the front door in good condition.

**Cllr. J. Sheahan welcomed the reply.**

**16. Cllr. J. Sheahan:** To ask Kerry County Council to provide a roundabout at Cleeny Killarney on the N72 at Madam's Height Junction.

**Reply:** The National Roads Authority in its overview of network improvements has outlined the following priorities:

- Priority 1 – Asset Management, Network Rehabilitation and Network Operations
- Priority 2 – National Secondary Roads Improvements, Bottleneck Improvement Projects, Safety Projects and Traffic Management Projects
- Priority 3 – Network Improvement Projects

As the location has not been identified to date under the NRA's Network Safety Ranking, the installation of a roundabout at this location would be categorised as Priority 3 and as the minor road is a local road this location is highly unlikely to be identified for improvement by the NRA.

**Cllr. J. Sheahan stated that a roundabout is badly needed at this location. He asked that negotiations continue with the NRA.**

**Mr. P. Neary stated that a roundabout was not the solution here. He said that traffic exiting from the Ballyhar direction won't get out onto the road (like the situation when exiting from County Buildings).**

**Cllr. J. Sheahan stated that a Speed Limit Review needs to be carried out here sooner rather than later. Trucks and cars are accelerating to exit here.**

**17. Cllr. J.J. Culloty:** Have the outstanding issues been resolved to the satisfaction of Kerry County Council, regarding the purchase of the Burial Grounds in Aghadoe? If so, when can we expect the sale to be completed?

**Reply:** We are informed by the owners that the outstanding issues regarding the proposed purchase of the burial ground at Aghadoe have been resolved. It is expected that the sale would be completed immediately subject to the approval of the Municipal District Members following a briefing to the Municipal District Members at its meeting on 28<sup>th</sup> January 2015, as agreed at the last Municipal District meeting.

**This matter was dealt with at this morning's Municipal District Meeting.**

**18. Cllr. J.J. Culloty:** Are there any changes planned, which would improve traffic flow at the top of High Street? And would this Council consider placing 'cul-de-sac' signs at this junction, which would have the effect of stopping motorists, who are guided by satellite navigation, from driving down the Monsignor O'Flaherty Road?

**Reply:** Kerry County Council is currently in the process of finalising a Safety Audit at this Junction. Following this audit, the traffic and pedestrian movements at this junction will be re-examined.

**This Question was dealt with in conjunction with Notice of Motion No. 37.**

**19. Cllr. J.J. Culloty:** Would this Council consider giving traffic on Main Street, the right of way, at the New Street junction?

**Reply:** Kerry County Council do not intend to amend the current traffic priorities in the town. It would be desirable to develop a new traffic management plan for the town, which could examine traffic flows and junction priorities but this is subject to identifying a funding source.

**Mr. D. Doyle stated that this might discourage traffic from driving through the Town Centre. He said there was logic in making this decision. If the Councillors wished, they could look at the possibility of a Section 38 for this location.**

**Cllr. D. Healy-Rae stated that the junction should be left as it is.**

**Cllr. N. Kelleher supported Cllr. Healy-Rae's comment.**

**20. Cllr. J.J. Culloty:** What is the current position regarding the bond, and the changes to the sewer at Árd na Greine, Upper Barraduff? The changes which are envisaged, would entail pumping the effluent to the public mains, at the entrance to the estate.

**Reply:** Following extensive negotiations with the surety provider on this development, a claim for €50,694.78 was made on this bond in August 2012, which was subsequently paid to the Planning Authority.

This funding is being used by the Council to rectify the defects within the estate.

**It was confirmed that €50,000 was received to carry out specific works which included lining and drainage. It did not include money for a pump station.**

**21. Cllr. J.J. Culloty:** When will the bollards be fitted to the footpath on the Port Road?

**Reply:** These works are fully completed as of 23<sup>rd</sup> January 2015.

**Cllr. J.J. Culloty welcomed the reply.**

**22. Cllr. B. Cronin:** Following my previous request, have the Council prepared the estimate for the speed indicators for the Knockasarnett / Coolgarriv Road?

**Reply:** The cost of providing two solar powered speed indicators at Knockasarnett would be €8,000. This will be suitable for funding through the Municipal District Operations Fund.

**Cllr. B. Cronin asked that details of the estimate be forwarded to him.**

**23. Cllr. B. Cronin:** What is the current situation with the bond drawn down for Greenfield's Estate, Furies?

**Reply:** Negotiations are ongoing with the surety provider for this development. The surety provider has indicated a preference to arrange for the outstanding works to be carried out by an appointed contractor and we are awaiting completion of legal formalities in this regard.

**Cllr. B. Cronin asked when will the works begin.**

**Mr. D. Doyle stated that he did not know the start date.**

**Cllr. Cronin asked when was the last contact made with the surety provider.**

**Mr. Doyle confirmed that he would get Mr. Donal Murphy to reply directly to Cllr. Cronin on this matter.**

**24. Cllr. B. Cronin:** Following my previous Motion, has the bad lag between Dromkerry Cross and the Glen Cross, Faha been repaired?

**Reply:** The entire road pavement at this location needs to be resurfaced. There is no funding available at present for this work. This work could be considered as part of the 2015 Discretionary Maintenance Programme.

**Cllr. B. Cronin stated that he was disappointed with the response. He referred to a bad lag on the road and opposite it the road is split. He asked that this be resurfaced.**

**25. Cllr. B. Cronin:** Has a final agreement been reached regarding the bond for Mountain View Estate in Kilcummin?

**Reply:** Discussions are still on-going with the surety provider on the viable options to resolve the issues with the provision of the stand alone waste water treatment plant, constructed as part of this development.

The finalisation of any agreement is complicated as such infrastructure is not connected to a public sewerage network and will not be taken in charge by Irish Water at present. Whilst the Kilcummin Sewerage Scheme is identified for design and planning in the Capital Investment Programme 2014 to 2016, a timeframe for funding the construction of the scheme has not been identified.

Notwithstanding the negotiations that are ongoing with the surety provider to resolve the defects with the percolation area for the wastewater treatment plant, following the establishment of Irish Water, there is no funding mechanism for the local authority to operate and maintain such stand alone treatment plants.

The recent Circular from the Department of the Environment, Community and Local Government, Circular PL 5/2014 *"Matters relating to Taking in Charge*

*of Residential Developments*” acknowledges the challenges with such developments and states that “*work is underway to put in place a strategy, including funding options, for addressing deficiencies in these estates*”.

**Cllr. B. Cronin asked if there was any possibility that the go ahead will be given here shortly?**

**Mr. D. Doyle stated that there was no easy solution here. This is a stand alone treatment plant. There is nowhere to pump it.**

**Cllr. B. Cronin stated that agreement had been reached for a replacement treatment unit and funding to finish the outstanding works. It was a legal formality for the Bonds people and Kerry County Council to agree.**

**Mr. D. Doyle stated that they needed to repair what is there. It will not be taken over by Irish Water. The new unit will be installed once negotiations have finalised. He stated that he will ask Mr. Donal Murphy to liaise with Cllr. Cronin on the matter.**

**Cllr. D. Healy-Rae asked if it would be a help to Irish Water to renew this treatment plant and connect to the new plant. We should use this money to finalise the matter.**

**Mr. D. Doyle stated that the scheme could be 5 years away yet.**

**26. Cllr. N. Kelleher:** The bridge on the Millstreet to Rathmore Road on the Kerry side has a sudden dip and people have reported damaging their vehicles can same be investigated?

**Reply:** The surface of the bridge at the bounds on the Millstreet to Rathmore Road required a new overlay in order to remove the dips. Kerry County Council will liaise with Cork County Council on the matter.

**Cllr. N. Kelleher stated that the dip was on the Kerry side. Counterparts in Cork "doing that soon".**

**27. Cllr. N. Kelleher:** How many estates are being delayed being taken in charge by Kerry County Council due to the hold up by Irish Water. Where are they and is there any progress?

**Reply:** Kerry County Council currently has 35 applications for taking in charge of residential estates, 12 of which are in the Killarney Municipal District. The Department of the Environment, Community and Local Government, issued Circular PL 5/2014 “*Matters relating to Taking in Charge of Residential Developments*” in November 2014, which requires local authorities to draw up a priority list of estates to be taken in charge and consult with Irish Water with a view to accelerating the taking in charge process.

The Council has substantially completed a priority list of all the applications in hand. The list is categorised on the following basis:

1. Estates which appear to be satisfactorily completed (9 No.)
2. Estates where works are outstanding and where sufficient bonds are claimed or drawn down to address the outstanding issues (6 No.)
3. Estates where works outstanding and bond in place but not adequate to address the outstanding issues (4 No.)
4. Estates where works outstanding and no bond in place to address the outstanding issues. (16 No.)

This list will be submitted to Irish Water by the end of January 2015.

Following the receipt of the Circular from the Department, Kerry County Council has sought meetings with Irish Water to consult on the taking in charge of those estates which are considered satisfactorily complete and considered to be of an adequate standard by the Planning Authority for taking in charge. The response from Irish Water has been as follows:

*"We are still working with WSTO (Water Services Transition Office) to finalise a protocol and MOU (Memorandum of Understanding) in respect of taking in charge. Once agreed CCMA (City and County Managers Association) will have to sanction same. Thereafter subject to WSTO agreement we will arrange joint regional briefings with WSTO".*

This has been frustrating but we were advised earlier this week that the protocols are almost finalised.

**This Question was dealt with in conjunction with NoM No 3 (Water Services).**

**28. Cllr. N. Kelleher:** Can necessary resurfacing works be carried out at Banard, Gneeveguilla?

**Reply:** The L-7046 Bounard to Freemount Road is identified for funding under the 2014 - 2016 Restoration Improvement Programme and it is hoped to carry out these works this year if the identified allocation of €66,100 is provided by the Department.

**Cllr. N. Kelleher noted the reply.**

**29. Cllr. N. Kelleher:** Can necessary resurfacing works be carried out in Shrone from Lenihan's Cross to (details with Directorate)?

**Reply:** There is no funding currently available to strengthen and resurface the L-3014, in Gortdarrig. This can be considered for inclusion in the next multi annual Road Restoration Improvement Programme which is due for review in 2016. Meanwhile the road will be maintained as far as funds allow.

**Cllr. N. Kelleher noted the reply.**



**30. Cllr. N. Kelleher:** Can necessary resurfacing works be carried out on the road from Lisheen Cross to Farrenkeal Bridge.

**Reply:** There is €92,400, expected from the Department this year under the Restoration Improvement Programme for Improvement works on the L-7027, Lisheen to Blackwater Bridge.

**Cllr. N. Kelleher noted the reply.**

**15.01.28.07 Motions / Questions relevant to other Directorates or issues not relevant to Kerry County Council business**

**(a) Notices of Motion**

**1. Cllr. D. Grady:** That we would write to the relevant Minister requesting more Gardaí for Killarney, as we have a severe shortage due to a lot of retirements in the past and they have not been replaced. The people have the impression that they have protection 24/7, which is not the case. I have experienced a wait of one and a half hours over Christmas for the Gardaí to respond to a serious disturbance. I have also received phone calls from other people experiencing the same problem. This is not the fault of our Super and Chief Super but the blame lies with the last and the present Government by not training and replacing Gardaí. This is putting lives at risk.

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

**Cllr. D. Grady stated that he recently experienced a 1.5 hour wait for Gardaí to respond to a disturbance over Christmas. He stated it was the fault of the Government. Sometimes only one Garda might be on duty covering huge areas. Petty crimes are happening in broad daylight. He requested that all Councillors support his Motion. He stated that 300 Gardaí were being trained at the moment and presumed that they would all end up working in Dublin.**

**2. Cllr. D. Grady:** That we would set up a meeting with the Super and Sergeant of Killarney and a representative from Kanturk for the Rathmore area as soon as possible. This is outside of the Joint Policing.

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

**Cllr. D. Grady stated that we need to keep in touch with what is going on in our area. He suggested having a meeting outside of the Joint Policing every 3 months and bring someone from Kanturk.**

**Cllr. N. Kelleher Seconded the proposal. He stated that Rathmore was under the Millstreet/Macroom area and not Kanturk.**

**Mr. J. Breen agreed to try and arrange this for the next Municipal District Meeting.**

**3. Cllr. D. Grady:** That we the Members of Killarney Municipal District call on the HSE to reinstate the statue over the entrance door to Killarney Community Hospital.

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

**Cllr. D. Grady stated that a lot of people were sad to see this statue removed. He requested that a letter issue to the HSE requesting that the statue be reinstated.**

**Cllr. M. Gleeson said that it was disrespectful of the HSE to remove the statue under the pretence that it was a structural danger.**

**Cllr. B. Cronin wished to record his support for this Motion.**

**Cllr. J.J. Culloty also wished to record his support.**

**4. Cllr. J.J. Culloty:** What is the current situation regarding Áras Phádraig?

**Reply:** Contracts for sale in respect of the acquisition of this property have been signed, subject to the consent of the Charities' Regulatory Authority. The vendors, through their Solicitors, have applied for this consent and once this is received, Kerry County Council will be in a position to proceed and complete the transaction.

**Mr. J. Breen stated there was no timescale in relation to this. This matter has been ongoing since before the dissolution of the Town Council. The hall was used by the community and we must look to reuse it again. He wished to acknowledge the Friary who gave the building for the use of the town.**

**Mr. G. O'Brien stated that the Charities Regulatory Authority was a newly amalgamated body going through restructuring and this was adding to the delay.**

**Cllr. M. Gleeson stated that the building will cost the Council more in the long run to repair as the building is deteriorating while the transactions is ongoing.**

**Cllr. B. Cronin asked if Clubs would apply to the Council to use the facility.**

**Mr. J. Breen stated that the conveyance matter needs to be sorted first and then the intent for same will be decided on.**

**Mr. G. O'Brien stated that substantial costs would be involved in repairing the building.**

## **(b) Questions**

**1. Cllr. D. Healy-Rae:** When will the offices of Kerry County Council in Killarney Town Hall be renovated and brought up to an acceptable standard?

**Reply:** Design, procurement and refurbishment of the Killarney Municipal District Offices at the Town Hall, Killarney are scheduled for Quarters 2 and 3 of 2015. It is anticipated that works will be completed before the end of Quarter 3 2015.

**Cllr. D. Healy-Rae asked that the Town Hall be brought up to a proper standard. Other Area Offices have been modernised. The building needs to be updated for staff and the public.**

**Mr. J. Breen stated that the Council Chamber part of the building is leased and it is not intended to renew same. He stated that the section owned by the Council will be designed through Corporate Services. Mr. John Purcell is responsible for this. He agreed that everyone wanted to see the building upgraded as soon as possible.**

**Cllr. B. Cronin asked if there would be a room equivalent to the Council Chamber.**

**Mr. G. O'Brien confirmed that there would be a new Chamber which would have meeting capacity.**

### **15.01.28.08 To consider a request for reception of a deputation**

On the Proposal by Cllr. B. Cronin and Seconded by Cllr. N. Kelleher it was agreed to receive a deputation from residents of Pinewood Estate, Killarney regarding traffic issues in the estate as requested by Cllr. J.J. Culloty.

### **15.01.28.09 Date for next Municipal District Meeting**

It was agreed the next meeting of the members of the Municipal District of Killarney will be held on Wednesday, 25<sup>th</sup> March 2015.

### **15.01.28.10 Correspondence**

Correspondence received from the NRA dated 16<sup>th</sup> December 2014 regarding provision of a safety barrier from Farranfore towards Kerry Airport was circulated to the Members.

*Cllr. D. Healy-Rae made reference to the letter where it stated that "Kerry County Council should, therefore, carry out an assessment of the risks along this section of the road, to identify any possible remedial measures which may be necessary and then to discuss these measures with the NRA".*

Cllr. Healy-Rae stated that the NRA were referring the matter back to us. A barrier is clearly needed here. This is an NRA job. Somebody could fall into the drain there.

Mr. P. Neary stated that the NRA were carrying out their own safety inspections along this route. He stated that he will discuss the matter with Lucy Curtis, NRA.

Cllr. J. Sheahan supported Cllr. Healy-Rae's Motion.

### **15.01.28.11 Any Other Business**

#### **Loretto Road**

Cllr. M. Gleeson referred to traffic control measures and requested that a Speed Audit be carried out on the Loretto Road as soon as possible.

#### **Poulgorm Bridge**

Cllr. D. Healy-Rae referred to the reflective bollards at the Poulgorm Bridge. He stated that the one on the left hand side was too far up and the one on the right hand side should be replaced.

#### **Approach Road to Firies**

Cllr. J. Sheahan referred to the road into Firies from the Killorglin side. He has received concerns from O'Connor's Funeral Home in relation to cars overtaking when funerals are taking place. Can a continuous white line be provided on the road?

#### **Knockasartnett**

Cllr. B. Cronin referred to a deputation received in September from residents of Knockasartnett in relation to a dangerous bend. Lining works have been carried out and an improvement made to signage. Further lining and extra signage has yet to be done as agreed with the resident here.

#### **Exiting onto Mission Road from Cathedral Place**

Cllr. M. Gleeson referred to a Notice of Motion he had at the last meeting of Killarney Municipal District in relation to exiting onto Mission Road from Cathedral Place. When funerals take place at O'Shea's and when the children leave school at 4pm, there is a build up of traffic. He stated that the provision of a two lane exit onto Mission Road would be of huge benefit.

Cllr. D. Grady suggested taking some of the green area away from the side of the gate opposite The Domain for this purpose.

#### **N72**

Cllr. B. Cronin referred to the N72 from Killorglin or Beaufort and the turn off to Ballymallis. He stated that people are nearly past the junction before they see the green bollards. They are not working at this location. Motorists need to be notified sooner that the junction is ahead.

**Main Objectives of Municipal District**

Mr. J. Breen addressed the meeting and stated that he thought it would be beneficial to the Members if a meeting were to take place to address the main objectives that they wished to achieve in the Killarney Municipal District over the coming years. He stated that they could take a strategic look at tourism and economic development. He stated that it should take place separately from the Municipal District Meeting.

Cllr. J.J. Culloty suggested holding a separate meeting in the afternoon.

The Councillors agreed to this.

The Meeting concluded at 16:30.

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**Cathaoirleach of Killarney M.D.**

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**Mr. G. O'Brien**  
**Meetings Administrator**