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**MINUTES OF THE MEETING OF THE MEMBERS OF THE MUNICIPAL DISTRICT OF LISTOWEL HELD IN , ÁRAS AN PHIARSAIGH, LISTOWEL ON MONDAY, 8<sup>TH</sup> SEPTEMBER 2014.**

**MIONTUAIRISCÍ NA CRUINNITHE DE CHEANTAR BARDASACH LIOS TUATHAIL A THIONÓLADH IN ÁRAS AN PHIARSAIGH, LIOS TUATHAIL, AR AN LUAN 8 MEAN FÓMHAR, 2014.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

**Cllr. R Beasley  
Cllr. J Brassil  
Cllr. M Kennelly  
Cllr. J Moloney  
Cllr. D Nolan  
Cllr. L Purtill  
Cllr. A Thornton**

**In attendance/i láthair**

<b>Mr. O Ring</b>	<b>Delegated Executive for the MD of Listowel</b>
<b>Mr. G O'Brien</b>	<b>Meetings Administrator</b>
<b>Mr. G Riordan</b>	<b>SE</b>
<b>Mr. J Sheahan</b>	<b>SEE</b>
<b>Mr. P Stack</b>	<b>A/DOS Planning</b>
<b>Mr. M McEnery</b>	<b>Executive Engineer</b>
<b>Mr. M Griffin</b>	<b>Area Engineer</b>
<b>Mr. C Mangan</b>	<b>SEE Water Services</b>
<b>Mr. J McEniry</b>	<b>EE Water Services</b>
<b>Ms. M Galvin</b>	<b>CO Corporate Affairs</b>
<b>Ms. S Broderick</b>	<b>SO Corporate Affairs</b>

The meeting commenced at 10.20am.

On the PROPOSAL of Cllr M. Kennelly, SECONDED by Cllr. D. Nolan it was agreed to take 10 minutes recess to read over the replies to the Notices of Motion in an effort to advance the discussion of same at the meeting.

Mr. O. Ring briefed the Members on how it was intended to deliver services in each Municipal District. Mr. J Sheehan, SEE is in charge of "operations on the ground". Mr. Gerry Riordan, SE has overall responsibility for the Municipal Districts of Tralee and Listowel. Going forward the budget will have a big effect on how the Municipal Districts will operate. Mr. Ring referred to the Directorate Structure chart which was

previously circulated to the Members outlining the different divisions under each Directorate.

Cllr. M. Kennelly asked if the names of staff could be provided.

Mr. Ring replied that the staff list was currently being finalised and the Members would be circulated with same once confirmed.

#### **14.09.08.01 Confirmation of the Minutes**

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. L. Purtill it was agreed that the Minutes of the meeting of the members of the Municipal District of Listowel held on the 14<sup>th</sup> July, 2014 be confirmed.

#### **14.09.08.02 Job Creation / Sustainable Economic Development Directorate**

Mr. G. O'Brien stated that there was no update on this Item. A report would be prepared for next month.

Cllr. J. Moloney asked who the point of contact was in relation to the Public Participation Network.

Mr. G. O'Brien advised that Mr. Michael Scannell or Ms. Siobhán Griffin in the Community Department would be the appropriate personnel.

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

**14.09.08.04** It was agreed to note the following report from Mr. J Breen Director of Sustainable Communities / Quality of Life which was circulated:

##### **Library Service Report for September 2014**

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

##### **Library service:**

- 432,571 items have been borrowed from Kerry's Libraries during the period 2 January – 31 August 2014. This is at 69% of last year's record borrowing figure of 619,089 items.
- 43 new titles have been added to the Kerry Library Classroom Novels Collection during the summer, bringing the collection to over 100 titles and to tie in with the national Decade of Commemorations, 14 of these titles are set during the early years of the Irish state e.g. 'The guns of Easter', 'Young rebels' and 'The Blood upon the Rose'. Primary school classes may borrow a set of each title free of charge for a 1 month period

##### **Emergency Services Report for September 2014.**

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

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

- July and August (to date) have been moderately active, with a typical Summer months pattern for Kerry. Road Traffic Accidents have been the notable feature.

**Fire Safety and Prevention:**

- The annual licensing season is well under way without outstanding issues to date.
- The busy Summer schedule of crowd events has passed off without serious adversity to date.

**Building Control:**

- The first completions of building projects taking place under the new Building Control Regulations of 2014 are beginning to come through. The national Building Control Management System (an online system) has just completed the development of the software to manage the processes associated with the certification and registration of compliant project completions.

**Civil Defence:**

- Kerry Civil Defence was widely perceived to have led the VES sector excellently for the Ring of Kerry Cycle. Favourable comment included correspondence from the Director-General of the CD Organisation
- The usual provision of leadership and resources, particularly with the implementation of Event Medical Plans, continued with the major Summer crowd events in Killorglin and Tralee
- Recruitment, progression and the training of new and existing volunteer members is ongoing along with participation in Regional CD activities

**Major Emergency Management:**

- Regional participation has been ongoing in Steering and Working Groups and in various sub-groups.

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**Community Services and Engagement Report for September 2014**

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

**Pride of Place**

- The Judging of the IPB Pride of Place competition took place on 27<sup>th</sup> August for the Ballyduff community which had been chosen as an entrant in the competition for excellence in promoting mental health awareness and well being under “Community Innovation Category”. The Community performed excellently and the judges were very impressed with this entrant and the other communities representing Kerry in the competition. Congratulations to all involved.

**Kerry Public Participation Network.**

- The following was included in the June Report. Please note closing date for registration is 30<sup>th</sup> September. Groups not registered by then will not be eligible to be involved in the election process.

Each Local Authority must adopt the framework for public participation in Local Government to be called the Public Participation Network (PPN) which sets out the mechanisms by which citizens and communities will be encouraged and supported to participate in decision making processes of the Local Authority that impact on communities. The PPN will be the main link through which the Local Authority connects with the community, voluntary and environmental sectors.

The proposals as outlined in this policy mirror much of work of the Kerry Community & Voluntary Forum and work has commenced to adapt to the Public Participation Network structure. The Kerry Community & Voluntary Forum Executive is working as the interim Kerry Public Participation Network to oversee the extensive work programme involved.

The Kerry County Register of Community & Voluntary Groups is a crucial element of the new structure and the re registration process for the PPN structure has commenced. 840 groups were registered with the C & V Forum and to date 220 groups have registered under the new Public Participation Network. Groups can register up to the end of September 2014 and a further advertisement campaign is planned.

The PPN will also be the vehicle through which nominations will be made to a wide range of Local Government bodies including the SPCs and the new LCDCs. This is not unlike the current situation where the C & V Forum nominated on to these bodies.

At this stage, planning has commenced to establish the PPN Municipal Area Plenary structures. While the Forum in Kerry operated on a sub county basis, these do not correspond to the new Municipal areas. A sub group has been established to consider the issues and provide feedback to the County PPN structure.

#### **Environment Protection Services Report for September 2014**

**Business Unit Manager – Mr Michael O Leary, Senior Executive Officer**

#### **North Kerry Landfill:**

The NK Landfill closed to the public on 11<sup>th</sup> July 2014. Work is ongoing on the capping of the final cell and should be completed by Christmas.

#### **Beaches:**

It has been a busy summer on Kerry's beaches. It is with deep sadness that we report that two people lost their lives through drowning on Inch beach. We would commend the lifeguards for their efforts to resuscitate the two ladies.

#### **Litter Control:**

Both Tralee and Killarney achieved "cleaner than European norms" status in the recent IBAL report.

**Housing /Social Services Report for September 2014**  
**Business Unit Manager – Mr Liam Quinlan , Senior Executive Officer**

**Activity Report**

**Social Housing Applicants (Year to Date**

**Position)**

Qualified Applicants with area of choice within Municipal Area	464
Accommodation offers made for property located within Municipal Area	27
New Tenancies Commenced	21
Accommodation refusals	7

**Social Houses**

**Vacant Group scheme properties within Municipal Area**

Under Repair (Excl those awaiting major refurbishment)	6
Awaiting Allocation	1

**Construction Programme**

Single Rural Dwellings - Site Transfer Stage	1
Single Rural Dwellings - under construction	1
Extensions - applications on hands	3
Extensions - Tender Stage	0
Extensions - under construction	0

**Rental Accommodation Scheme**

	<u>County</u>	<u>L.M.A.</u>
Total Active Tenancies	799	108
New tenancies in 2014	81	9
Tenancies terminated in 2014	19	2

**Leasing**

	<u>County</u>	<u>L.M.A.</u>
Leased Properties	57	6
Leases under negotiation	4	1

**Housing Adaptation Grants (County Wide)**

	<u>No.</u>	<u>€</u>
Allocation 2014		1.789m
New Grants Allocated 2014	302	1.817m
Total 2014 Commitment		2.146m
Grants Paid	148	0.786m

**Cllr. J. Brassil raised a matter in relation to the Council's RAS Scheme. He stated that he is aware of a person who has let their house to Kerry County Council under the RAS Scheme. The owner now wishes to sell this house and is finding it very difficult to remove the tenant from his house. Cllr. Brassil stated that not many people realise that with RAS, the Tenancy Agreement is between the landlord and the tenant. The only involvement that Kerry County Council has is that they look after the financial side of the transaction and find another tenant if an existing tenant moves out. Cllr. Brassil stated that the public need to be made aware of the fact that with RAS, the contract is not with the Council. Cllr. Brassil suggested that this matter be referred to the Housing Department.**

**Cllr. M. Kennelly agreed that clarification on this matter was needed.**

**Cllr. Brassil stated that as a public representative, he understood that RAS tenants were Kerry County Council tenants but this is not the case. Anyone signing up to RAS needs to be informed of this.**

**Mr. Ring asked if Cllr. Brassil wished this matter to be raised at a forthcoming full Council Meeting.**

**Cllr. Brassil agreed to this.**

**Cllr. Diane Nolan referred to the new Housing Assistance Payment (HAP) Scheme implemented under the Housing (Miscellaneous Provisions) Act 2014 and asked that the members be updated on same.**

**Mr. Ring said that this would be arranged.**

#### **(a) Questions**

**1. Cllr M Kennelly:** That Kerry County Council review their existing policy on home improvements for tenants in our housing program.

**Reply:** A notice of motion with this wording has been set down for the full council meeting on 15<sup>th</sup> September next also. Generally, the various requests received from tenants for improvements to be carried out to their homes are considered in the first instance by our tenant liaison staff. These can vary from requests for changes in heating systems, to minor adaptations to more significant extensions having regard to changes in their circumstances. Each request is considered on a case by case basis on its individual merits. Also we must have regard to budgetary restrictions particularly with regard to works requiring significant expenditure. Where necessary, we will advise our tenants of maintenance & repair requests made by them which are their own responsibility as set out in our Tenants Handbook. It is our intention to review various practices which operated in the former Town Councils in dealing with such requests to ensure consistency in approach on a countywide basis through our Strategic Policy Committee. Separately significant planned works have been carried out to our housing stock within available resources over the years, more recently the ongoing energy efficiency programme under which 450 additional homes will have improvement insulation works carried out in the current year.

**Cllr. Kennelly stated that it was a Council initiative to put oil stoves into new Council houses. He asked if we could put solid fuel stoves back into houses.**

**Mr. O. Ring stated that as outlined in the response, Kerry County Council would be reviewing its practices in dealing with requests for home improvements through the Quality of Life SPC.**

**Cllr. Kennelly stated he was delighted to hear this.**

**2. Cllr M Kennelly:** That Kerry County Council investigate anti-social behaviour occurring at Courthouse Lawn, Listowel.

**Reply :** Kerry County Council has received no complaints of any Anti - Social Behaviour in the recent past for this area of Listowel . Any complaints received are fully followed up in accordance with our Anti Social Behaviour policy.

**Cllr. M. Kennelly welcomed this reply.**

**14.07.14.04 To note update report from the Operations, Health & Safety Directorate.**

It was agreed to note the following Report from Mr. G Riordan Senior Engineer Operations, Health & Safety Directorate which had been circulated.

Listowel Town	<p><b>Roads</b></p> <p>Roads Programme – Overlays on Ballybunion Road &amp; William Street Laneway complete; Footpaths to be renewed at: Ballygologue Park – to commence by end September.</p> <p>Junction Improvement works at Convent Cross commenced 1st July and are ongoing.</p> <p><b>Housing</b></p> <p>Refurbishment works are substantially complete at: 1 Convent View and 6 Courthouse Lawn, Listowel Refurbishment works Have commenced this week at: 101 Feale Drive, Listowel</p>
Listowel Municipal District (Rural)	<p><b>Roads</b></p> <p>Restoration Improvement: Strengthening Works will be completed at the following location within the Listowel Municipal District before the end of September</p> <p>R551 Curraghderrig West X to Curraghderrig East Cross Asdee, 1000m</p>

	<p>Restoration Maintenance: Surface Dressing Works will be carried out throughout the month of September at the following location within the Listowel Municipal District: L6085 Ballylongane to Maulin Mtn, 2,000m</p> <p><b>Other Works:</b> R551 Ballyduff Village: Works on watermain replacement has commenced within the last fortnight. Pavement restoration will commence upon completion of watermain restoration.</p> <p>R555 Duagh Village: Emergency drainage works are currently complete at Foildarrig on the outskirts of Duagh Village. Minor accommodation works are ongoing and will be complete within the next 2 weeks.</p> <p><b>Housing</b> One single rural house is currently under construction in Clashmealcon, Causeway.</p> <p>No 8 Rusheen, Ballylongford is undergoing a 'deep maintenance' and will be completed shortly.</p> <p>There are no further major works planned for Housing at present, however, the maintenance programme is ongoing.</p>
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#### 1. Programme of Works

As Foildarrig was mentioned in the report, Cllr. J. Moloney referred to Cllr. R Beasley's request for a deputation (Item No. 7 of Agenda refers).

Cllr. Beasley stated that the deputation request did not refer to the works already completed as referred to in the Director's Report. The deputation was concerned with works that are required higher up the hill.

On the PROPOSAL of Cllr. R Beasley **SECONDED** by Cllr. D. Nolan it was agreed that a deputation from the residents of Foildarrig, Duagh concerning the ongoing flooding would be received at a meeting of the Municipal District of Listowel.

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

**1. Cllr L Purtill:** That Kerry County Council would address an ongoing problem with Japanese Knotweed growing on council land beside the home of (Details with Operations, Health & Safety Directorate). This weed has spread on to his property and he is fully aware of the damage this weed can do undermining walls and concrete paving. I have been pursuing this matter on his behalf for the past 12 months. What immediate measures are Kerry County Council going to take?.

**Reply:** Listowel Area Operations have liaised with a specialist contractor who has recommended a course of treatment to commence mid September. We are engaging the contractor to complete these works and to monitor the situation and advise if further treatment is warranted.

Japanese Knotweed is an invasive and pervasive species and over the winter period we will attempt to log all known instances of growth in the Listowel Municipal District. Dealing with the problem, on an ongoing basis, will not be easy and will require a financial input, which is currently unavailable.

**Cllr. L. Purtill stated that he has been pursuing this matter for 12 months. The weed is growing on the adjacent Council property and it has gone through the wall into the front garden. What is the recommended treatment for this weed?**

**Mr. O. Ring replied that funding is a major issue. Japanese Knotweed is a national problem. He stated that the Council will deal with this instance of Knotweed in September and keep going until the problem has been eradicated. Mr. Ring stated that an overall picture of this was needed and each instance of its presence should be logged. A plan of action is needed, ideally a National Policy.**

**Cllr. L. Purtill stated that there were planning and mortgage issues in relation to this invasive species. He had heard that this weed can grow up to 40 ft. underground. This is frightening for the people of Ballylongford where the weed is prevalent.**

**Mr. G. Riordan stated that one of the best treatments for the Japanese Knotweed is Roundup weedkiller and this needs to be sprayed up to 5 seasons in a row to destroy same. The NRA has asked that we log incidences of this. The Japanese Knotweed is the No. 1 invasive species on their list. Cutting the weed is a problem as this causes it to spread. If it gets into a stream it spreads like wildfire. Another proposal to eradicate it is to cut and bag the weed and inject weed killer into each stem.**

**Cllr. R. Beasley stated that in the UK, this weed has been prevalent for 100 years. It has not been in Ireland as long. We should have more information on how to contain it.**

**Mr. G. Riordan stated that information on how to deal with this weed will be included with hedge cutting notices which are being sent to landowners.**

**Mr. O. Ring stated that this issue is being dealt with on a case by case basis. This is an urgent situation and we are not sure how our resources will meet this.**

**Cllr. J. Moloney stated that it was successfully eradicated at a graveyard with assistance from Cathy Fisher, Biodiversity Officer, Kerry County Council. It was a very laborious task whereby each root was injected. It is now causing**

problems on the riverbank in Listowel. A National Policy needs to be put in place.

Mr. O. Ring stated that the matter will be referred to the Quality of Life SPC to deal with on behalf of the Council and a submission will be made to the Department of the Environment Community & Local Government.

Cllr. J. Brassil asked what damage does Japanese Knotweed cause on the roadside.

Mr. J. Sheehan stated that it is very easily transmitted. One small piece coming downstream can have a devastating effect. On roadsides it spreads quickly and smothers everything in its path resulting in no undergrowth.

Mr. G. Riordan stated that the weed is rampant in West Cork and Achill.

2. Cllr L. Purtill: That Kerry County Council would address the problem for the home owner at (Details with Operations, Health & Safety Directorate). This problem is already with the engineers and still has not been rectified. This lady contacts me on a weekly basis regarding same.

**Reply:** The estimated cost of undertaking works at this location is €2,000. This project is not prioritised in our works schedule and the current Road Maintenance Budget cannot sustain the level of required expenditure, however the project is suitable for funding through a County Councillors' Allocation.

Cllr. L. Purtill referred to this triangle shaped roundabout. He stated that €2,000 seemed like a lot of money for this work.

Mr. J. Sheehan stated that the triangle has to be removed and new line markings put in place.

Cllr. L. Purtill stated he would pledge €1,000 from his Councillor's Allocation towards this work.

Mr. G. Riordan stated that Road Design needed to take a look at it first and possibly extend same instead of moving it.

Cllr. L. Purtill asked that Mr. Riordan would revert to him regarding this matter.

3. Cllr L. Purtill: That Kerry County Council would repair a small section of road at Ardoughter, Ballyduff. This road is beside the homes of (Details with Operations, Health & Safety Directorate) and is on the Ballyduff side of the water tower. This small section of road on the seaward side needs urgent attention.

**Reply:** This section of road has undergone numerous repairs over the last number of years with the result that the road surface is now quite rough. There is currently no funding available to carry out regulation and overlay on this section of road and

the works are not on any proposed Roads Programme. The requested works will be costed and submitted to the members at a later date as a 'desired project' for funding through future County Councillors' Allocations.

**Cllr. L. Purtill acknowledged this reply.**

**4. Cllr L Purtill:** That Kerry County Council would strengthen the sides of the road at Shanaway, The Steeple Road, Tarbert. The centre of the road is so raised, the undercarriage of cars are getting damaged.

**Reply:** Remedial works for this section of road will involve strengthening over a distance of approx 200m at a cost of €4,800. Surface dressing will be required to seal the works and give the required skid resistance to the surface this will cost a further €6,500. The total cost of the works on this section of roadway, not including drainage upgrading is €11,300. There is currently no funding available to carry out strengthening and sealing on this section of road and the works are not on any proposed Roads Programme. The requested works will be resubmitted to the members at a later date as a 'desired project' for funding through future County Councillors' Allocations.

**Cllr. L. Purtill stated that this road was highly dangerous as the centre of the road is raised. He suggested that funding might be raised for this work through Councillor Allocations.**

**5. Cllr. J Brassil:** That Kerry County Council would complete the works at Ballyheigue Beach sand dunes by setting the marram grass and appropriate reinforcement measures to prevent future damage to the dunes

**Reply:** It is understood that the Capital Infrastructure Unit (Costal/Piers) is handling this issue and discussions are ongoing with local voluntary groups in relation to the said planting.

**Cllr. John Brassil stated that the Capital Infrastructure Unit have not had any discussions with the local voluntary groups. He stressed the importance of the need to plant on the prepared area before it is all washed away in winter.**

**Mr. J. Sheehan said that he would discuss this issue with Mr. E Scanlon SEE and revert to Cllr. Purtill.**

**6. Cllr. J Brassil:** That Kerry County Council would drain the central green areas in The Cloisters Estate, Abbeydorney and continue the maintenance

**Reply:** When a housing estate is 'taken in charge' it is the function of the local authority to maintain the roads, footpaths, sewers, lighting and water mains. Draining the central 'green area' open space of the inner segment of the Cloisters Estate, Abbeydorney does not fall into the statutory maintenance required of the local authority and Listowel Area Operations does not have the finance or the capacity to undertake such works. The soil and sub-soil in the area is predominantly

clay based and consequently any drainage works would be substantial and necessitate the importation of a looser bound soil to be effective. Cutting the grass on a more regular basis and the planting of trees within the open area will ameliorate the situation considerably. This course of action has worked in similar cases in the past.

**Cllr. Brassil stated that he had a number of Notices of Motions submitted in relation to The Cloisters and he is not satisfied with any of the replies. He requested that staff could go out to meet the residents or alternatively a deputation could be received from the Residents' Committee at the next Municipal District Meeting. This estate has been taken over by Kerry County Council and they have a role in keeping it in a decent condition. Furthermore, the Council have tenants in a number of the houses through the RAS Scheme etc. The residents have formed a Residents' Association and are willing to get involved. The central green area is a quagmire and a ride-on lawnmower would sink in same. This area needs to be drained. Maybe planting and regular cutting may help the situation. He also referred to the fence at the rear of the estate which needed to be replaced (NoM No. 7 refers). As a way to move this issue forward a date to meet the Residents' Association should be agreed.**

**Mr. O. Ring agreed that a meeting with the residents would be arranged.**

**7. Cllr. J Brassil:** That Kerry County Council would repair the fence at the rear of The Cloisters Estate Abbeydorney (Details with Operations, Health & Safety Directorate)

**Reply:** The fence to the East and South East of House No 49 is in good order. The cost of replacing this with a wall, capped and plastered to a height of 2m is €10,500. Replacing the existing fence with a 1.8m 'anti-climb fence and planting the periphery with beech hedging would cost €5,000. No finance is currently available to undertake either of these options. The requested works will be resubmitted to the members at a later date as a 'desired project' for funding through future County Councillors' Allocations.

**Cllr. Brassil stated that he addressed these issues in Motion No. 6.**

**8. Cllr. J. Brassil:** That Kerry County Council remove the ditch, side ditch and back ditch at Causeway graveyard and replace with a concrete wall.

**Reply:** This request was previously brought to Kerry County Council Sanitary Services Department and it was indicated that no funding available to carry out the works. Undertaking a desktop analysis, the required works would be estimated in the region of €35,000 to construct a wall, capped and plastered to a height of 2m along two flanks of the Burial Ground. The current position is as previously indicated, no finance is available to undertake this project. The existing boundary ditch seems adequate and is serving its purpose. The requested works will be

resubmitted to the members at a later date as a 'desired project' for funding through future County Councillors' Allocations.

**Cllr. J. Brassil stated that the wall at Causeway Graveyard is unsightly and rat infested. The Local Committee received a quotation of €13,847 to rebuild the wall. Cllr. Brassil expressed his surprise that the Council's estimate was for €35,000. He stated that the local committee will contribute €5,000 towards the cost of the re-build which will bring down the cost to approximately €8,000.**

**Mr. O. Ring responded by stating that the lower estimate may result in lower standards. There are block walls around the County that do not meet structural standards. He stated that he was sure that the estimate given by Kerry County Council was correct for the work required. He said he will contact the Sustainable Communities / Quality of Life Directorate regarding the availability of funding for this work in next year's budget. He stated that the contribution of €5,000 from the local community would increase the chances of a favourable outcome.**

**Cllr. Brassil asked if the Committee could get the work done for €8,000 would Mr. Ring consider this.**

**Cllr. A. Thornton asked if the Council could give a breakdown of how the figure of €35,000 was arrived at.**

**It was agreed that a breakdown would be provided.**

**9. Cllr. J Brassil:** That Kerry County Council would build a footpath from The Cloisters Estate, Abbeydorney as levies have been paid as part of the original application and works are badly required.

**Reply:** No monies were levied through planning conditions for the construction of a footpath from the Cloisters Estate to link with the existing public footpath. The developer was responsible for the construction of this footpath as part of the original planning permission. It appears that the developer encountered difficulty with the acquisition of land from neighbouring property owners to facilitate the footpath and consequently the footpath was never completed. A preliminary estimated cost of constructing this section of footpath, without land acquisition and without the cost of relocating services (both of which will be necessary) is €20,000.

**Cllr. J. Brassil said that he had been advised by the developer that the levy had been paid for the footpath. If provision of a footpath was part of the original plan, we now have a problem. The contractor should have fulfilled the planning conditions. If the developer has not completed the work the Council will have to deal with it.**

**Mr. O. Ring stated that the taking in charge of this estate was the "lesser of two evils".**

**Mr. G. Riordan stated that Japanese Knotweed has been found on the northern side of where the footpath should be located which will complicate matters.**

**10. Cllr J Brassil:** That Kerry County Council would address the flooding issue outside the property of (Details with Operations, Health & Safety Directorate)

**Reply:** Kerry County Council have not altered the road levels fronting this shop in the recent past. There is a surface water drain within the shop yard to cater for rainfall runoff. It is vital that the property owner maintains this on a regular basis. Listowel Area Operations will monitor the situation during upcoming periods of heavy rainfall.

**Cllr. J. Brassil stated that there is quite a substantial fall outside this person's house.**

**Mr. M. Griffin stated that road alterations were carried out here previously but this flooding situation never arose previously.**

**Cllr. Brassil asked if Mr. Griffin would call and inspect this section of road.**

**Mr. Griffin replied that he would like to call after a heavy fall of rain. He said that a drainage inlet may be blocked. He will call and inspect same.**

**11. Cllr J Brassil:** That Kerry County Council would erect directional sign at Balloonagh Cross indicating that you turn right for Ardfert and Ballyheigue.

**Reply:** The request has been forwarded to Tralee Area Operations.

**Cllr. J. Brassil acknowledged this reply.**

**12. Cllr R. Beasley:** That Kerry County Council would cut some of the overgrowth at the junction of our roads where signs are completely obscured from overgrowth, in particular at the junction from Lisselton towards Ballyduff.

**Reply:** Kerry County Council will arrange for the cutting of overgrowth at junctions in the coming weeks.

**Cllr. R. Beasley stated that he was aware that tourists had been confused due to obscured signage at this junction. The lack of manpower to deal with this is causing a major problem during the summer.**

**13. Cllr R Beasley:** That Kerry County Council replace the footpath outside No 2 Benmore Estate, Ballyduff which is in a very bad condition.

**Reply:** This footpath has been examined by Kerry County Council and is considered to be in satisfactory condition. The cross-fall construction joint is 'weathered' and there is a slight differential in level between the opposing concrete slabs roadside.

The joint will be filled with a bituminous substance by Listowel Area Operations which should seal the footpath and also make more visually acceptable.

**Cllr. Beasley welcomed this reply.**

**14. Cllr R Beasley:** That Kerry County Council would put in a pipe opposite the land of (Details with Operations, Health & Safety Directorate) to take the water off the public road.

**Reply:** The problem lies within the drainage pipes under (Details with Operations, Health & Safety Directorate) yard and installing an inlet through the adjacent ditch will not correct the issue. Kerry County Council have made several requests to (Details with Operations, Health & Safety Directorate) to rectify this problem and no works have been undertaken despite numerous assurances.

**Cllr. Beasley acknowledged this reply.**

**15. Cllr R. Beasley:** That a sign for Ballybunion be erected on the Listowel / Tralee Road roundabout.

**Reply:** Signage on the Tralee Bypass has been provided in accordance with the requirements of the Traffic Signs Manual (DoT 2010) and is subject to approval by the NRA. The destinations to be signed at any junction type are specified in table 2.2.2. For a National Secondary route, signage to the terminus or next intermediate destination on the route travelled is permitted.

As Ballybunion is neither a terminus nor intermediate destination on the N69, providing directional signage at the northernmost roundabout on the Tralee Bypass would not be in accordance with the provisions of the Manual, nor would it receive NRA approval.

**Cllr. R. Beasley stated that the lack of signage was causing a major problem. When travelling from Tralee on the N69, the first sign for Ballybunion on that route only appears on the Dale Road.**

**Cllr. M. Kennelly stated that a submission relating to this issue was discussed at the recent Planning Meeting.**

**16. Cllr R. Beasley:** What is the up to date with the property of (Details with Operations, Health & Safety Directorate)

**Reply:** A cost Estimate of the works has been prepared by the Housing Department's technical staff and is awaiting approval.

**Cllr. R. Beasley welcomed this reply.**

**17. Cllr D Nolan:** That Kerry County Council replace the bath with a shower In house of (Details with Operations, Health & Safety Directorate)

**Reply:** The occupant needs to make a 'disabled grant application' to the Housing Department. for a level access shower. An application form has been forwarded by post.

**Cllr. D. Nolan referred to the grant application form which was forwarded to the applicant in question. She asked if an alternative form would issue to existing Kerry County Council tenants as the last 2 pages do not apply to existing tenants. The applicant in this case was confused by the form.**

**18. Cllr D Nolan:** That Kerry County Council place a drain outside the house of (Details with Operations, Health & Safety Directorate) as road improvement works have created rainwater run off into her property.

**Reply:** Surface dressing works undertaken in 2013. These works did not alter the level or profile of the roadway, nor did the works cause additional rainwater runoff onto the property. However, Listowel Area Operations has agreed to install a second gulley alongside the existing one as an additional surface water drainage measure adjacent to the property.

**Cllr. D. Nolan welcomed this reply.**

**19. Cllr D Nolan:** That Kerry County Council consider taking in charge of Bruach na Gaile Estate, Moyvane Village

**Reply:** The initial request for 'taking in charge' of an estate is initiated by, either, the developer or by 75% of the property owners within the housing estate. The request should be made to the Housing Estate Unit, Kerry County Council. The Housing Estate Unit will then undertake a report indicating the works required before consideration can be given to taking the estate in charge. On verified completion of the required works the process goes to public consultation after which a report is prepared for the members consideration at County level.

**Cllr. D. Nolan stated that the residents believe there is only a short time limit remaining on their bond. Will this cause an issue with taking the estate in charge?**

**Mr. J. Sheehan stated that he will meet the Chair of the Residents' Association to discuss same.**

**20. Cllr D Nolan:** That Kerry County Council reconsider not proceeding with improvement works to the dangerous bend at Coolatoosane, Dromin Hill, Listowel

**Reply:** The monies pledged from County Councillors' Allocations have all been re allocated. The decision was taken at the Electoral Area Meeting of April 2014. There are no monies currently available to undertake these works. Attempted land acquisition has been ongoing since 2006. A considerable amount of time and effort had been expedited on this matter without current finality. The requested works will

be resubmitted to the members at a later date as a 'desired project' for funding through future County Councillors' Allocations.

**Cllr. D. Nolan stated that negotiations in relation to this have failed before. This Motion needs to remain on the Agenda. This road is used by large machinery. The road has an extremely dangerous bend. She expressed her hope that County Councillors' Allocation would be allocated to this in the future.**

**Cllr. M. Kennelly expressed his support of this Motion.**

**Cllr. R. Beasley stated that money has been allocated and withdrawn from this work previously. The goalposts keep moving.**

**Mr. M. Griffin stated that he had spoken to the landowner on a number of occasions. The works are now turning out to be prohibitively expensive. A lot of time has been spent on this matter.**

**Mr. G. Riordan stated that the Council would keep pursuing the matter.**

**21. Cllr D Nolan:** That Kerry County Council enlarge the drain outside the house of (Details with Operations, Health & Safety Directorate) as there is a steep decline to the house from the road R555 and consequently is frequently overrun with rain water from the main road

**Reply:** This drain appears to be fully adequate for its intended purpose. However there currently appears to be an issue with maintenance and regular clearing of the channel by the householder would improve its functionality.

**Cllr. D. Nolan acknowledge this reply.**

**22. Cllr L Purtill:** That Kerry County Council give an update on measures and precautions to eliminate the risk of flooding in Ballylongford. Some remedial works have been carried out and we are urging Kerry County Council to send out their engineering staff immediately to carry out further works to alleviate the fears of the people living in the area.

**Reply:** The OPW commenced the CFRAM (Catchment Flood Risk Assessment and Management) Programme in 2011. Ballylongford is included in the Shannon River Basin District CFRAM study. Currently the Consultants retained by the OPW are preparing detailed Flood Maps, which are expected to be published later this year. The final output from the study will define the current and future flood risk in Ballylongford and how this risk can be managed. The Council has been working in close liaison with the OPW and their Consultants to ensure the completion of this study as speedily as possible and to identify what measures are necessary to mitigate against the risk of flooding. This will allow the Council to make any application for any funding necessary for works identified. The carrying out of Flood Risk Assessments is quite complex and detailed modeling is required. The difficulty

in providing any mitigating measures is in assessing the implications such measures could have on other properties.

The local Municipal District Engineer will meet with the Secretary of the Flood Action Committee to ascertain if there are any short term measures that can be identified to reduce the risk. These will be assessed in consultation with the OPW.

**Cllr. L. Purtill stated that as today was a mild day, the residents of Ballylongford were very fortunate as high tides were expected. If the weather was not as calm, the staff of Kerry County Council would be out manning the pumps. The residents of Ballylongford no longer have insurance for their properties. He thanked Mr. John Sheehan for agreeing to meet with the residents as they have ideas on how to keep the flooding at bay. There is no plan in place yet. This was the only village in the country where a total of 22 families suffered following the floods at the start of the year. Minister Brian Hayes visited Ballylongford and stated that they would be looked after.**

**Cllr. M. Kennelly concurred with the views expressed by Cllr. Purtill and referred to a similar Motion he has on the Agenda (No. 24). He stated that this should not happen again. Hopefully this matter will be rectified before winter. The locals are best placed to explain what needs to be done.**

**Cllr. R. Beasley supported the Motion. He said that there was a real fear of high tides amongst the locals. The residents are unable to get insurance for their properties. Shop equipment is stored up on blocks to prevent damage from flood waters. The Minister visited Ballylongford last February but nothing has happened since. Who is responsible? People are very concerned.**

**Cllr. A. Thornton asked if funding will become available in the event of flooding. Can Management clarify the position. Do Kerry County Council cost the works and then apply for funding?**

**Mr. O. Ring asked if Cllr. Thornton was asking if funding was for compensation or to avoid flooding. For compensation, the householder should make direct application for funding. A new sewerage scheme is being built at the moment which will divert water away from the river which will hopefully improve protection going forward. We will do our best for Ballylongford. Mr. Ring said that funding may not be released until the Flood Risk Assessments were carried out.**

**Cllr. L. Purtill stated that Mr. Simon Harris, TD confirmed he will meet with Officials.**

**Mr. M. Griffin stated that we are experiencing high tides up to 3 or 4 times a year now. Last January we experienced three extremes - high tides, severe wind and rain all at once. We are now constantly keeping a watch on high tides.**

**Mr. Ring stated that we are now providing a fire fighting response. We need a higher level of protection in place.**

**Mr. John Brassil referred to a CFRAM Assessment he viewed. It showed huge areas all over Ireland now identified as flood plains. This is a huge problem for locals who cannot apply for insurance. The OPW is not taking this issue seriously enough. Hopefully Ballylongford will get the money required to remedy the situation. We can't keep out the tide, wind and rain. It is hoped the OPW will get the necessary funding.**

**Mr. Ring replied that the OPW will have to get funding following this report. The Floods Directive will make it a requirement.**

**23. Cllr M Kennelly:** That Kerry County Council give an update on measures and precautions to eliminate the risk of flooding in Ballylongford. Some remedial works have been carried out and we are urging Kerry County Council to send out their engineering staff immediately to carry out further works to alleviate the fears of the people living in the area.

**Reply:** The OPW commenced the CFRAM (Catchment Flood Risk Assessment and Management) Programme in 2011. Ballylongford is included in the Shannon River Basin District CFRAM study. Currently the Consultants retained by the OPW are preparing detailed Flood Maps, which are expected to be published later this year. The final output from the study will define the current and future flood risk in Ballylongford and how this risk can be managed. The Council has been working in close liaison with the OPW and their Consultants to ensure the completion of this study as speedily as possible and to identify what measures are necessary to mitigate against the risk of flooding. This will allow the Council to make any application for any funding necessary for works identified.

The carrying out of Flood Risk Assessments is quite complex and detailed modeling is required. The difficulty in providing any mitigating measures is in assessing the implications such measures could have on other properties.

The local Municipal District Engineer will meet with the Secretary of the Flood Action Committee to ascertain if there are any short term measures that can be identified to reduce the risk. These will be assessed in consultation with the OPW.

**24. Cllr M Kennelly:** That Kerry County Council prioritise the completion of the public road, footpath and main road public lighting immediately at either side of the main road entrance to Sli na Speire, Clieveragh Listowel. This location is a safety hazard for most cars and pedestrians.

**Reply:** Kerry County Council are currently unable to acquire the ditch required to facilitate the construction of a footpath and the issue in relation to acquisition seems intractable. The public road at this location was newly overlaid earlier this year.

**Cllr. M. Kennelly** stated that he was not happy with the response. This entrance will cause a fatality. There is no visibility exiting the estate. It is a health and safety issue. People are taking a chance when exiting.

**Cllr. J. Moloney** supported the Motion. He stated it was an accident waiting to happen and also an eyesore. It is a serious health and safety issue.

**Cllr. D. Nolan** informed the meeting that before the abolition of Listowel Town Council, they had retention of planning for the last phase of the development. It is causing a problem for people looking for the estate and then turning in.

**Mr. M. Griffin** stated that the view to the right of estate was an issue. One landowner is keen to take the ditch from his land while the other one is against it. We can take a look at managing the traffic on the left. Building half a footpath is not going to help.

**25. Cllr M Kennelly:** That Kerry County Council provide an update in relation to the progress of signage and health and safety measures at Abbeydorney National School which are in urgent need of attention.

**Reply:** Representations were received from an elected member on 21st July last requesting a number of issues to be addressed adjacent to the school. Kerry County Council through the former Tralee Area Office undertook additional line-marking works adjacent to the school in consultation with the school principal. Health and Safety issues in relation to the 'drop off' and 'pick up' of students are the responsibility of the School Principal and it is a matter for him/her to address and pursue. The locus of the school is within a 50km zone and this is clearly indicated on the approaches. The current statutory 'school signs' are weathered and will be replaced, we further intend to undertake some cautionary road surface marking in the area.

**Cllr. A. Thornton** also moved her Notice of Motion No. 30 at this stage.

**Cllr. Thornton** met with the Principal of Abbeydorney National School. The road marking is very welcome. A number of cars drive past this school well over the speed limit. Gardaí are aware of this dangerous situation with the pedestrian crossing. In dark light, when coming through the crossroads in Abbeydorney Village, motorists assume that the flashing lights at the pedestrian crossing are in fact the lights at the crossroads and drive straight through the cross failing to stop for oncoming traffic. Cllr. Thornton also referred to the perimeter fence of the school which is only made of chicken wire.

**Mr. M. Griffin** replied that this area previously was within the remit of the Tralee Area. They have carried out road lining. The speeding motorists are an issue. He stated that they are looking at replacing the school warning sign with a larger version and maybe place a reminder sign on the approach to same. The speed factor is an enforcement issue for the Gardaí. Mr. Griffin

**stated that they will look at the lanterns on the pedestrian crossing. The wire around the perimeter of the school is an issue for the school and not the Council.**

**Mr. J. Sheehan said that the members may like to look at the signage, which is very effective, at Charles St. Listowel. He undertook to examine improving the signage in Abbeydorney and also look at the junction in the village.**

**26. Cllr M Kennelly:** That Kerry County Council carry out immediate road repairs on the Listowel to Ballylongford Rd with special attention to the areas of Coolkeragh and Bedford Cross where these sections of roads are of major concern to road users.

**Reply:** A number of undulations have formed on this roadway due to the underlying peat shrinkage during the dry summer weather. There are no failures on the carriageway at present. Reconstruction of roadways in areas with a peat subsurface is expensive and Kerry County Council does not currently have the financial resources to undertake such works. Listowel Area Operations will monitor the road way and any failures or potholes will be repaired.

**Cllr. M. Kennelly welcomed this reply.**

**27. Cllr J Moloney:** That Kerry County Council rectify the problem of water flowing off the Road (R523) and into residential properties at Bunghara Listowel.

**Reply:** This location has been examined during periods of rainfall in the past and no satisfactory evidence was found of roadside water contributing to the problem.

**Cllr. J. Moloney stated that he had photographic evidence to the contrary.**

**Mr. M. Griffin replied that this would be of great assistance.**

**28. Cllr. J Moloney:** There is excess water coming off the road at White's shop in Asdee. Can this be rectified?

**Reply:** Kerry County Council have not altered the road levels fronting this shop in the recent past. There is a surface water drain within the shop yard to cater for rainfall runoff. It is vital that the property owner maintains this on a regular basis. Listowel Area Operations will monitor the situation during upcoming periods of heavy rainfall.

**Cllr. J. Moloney welcomed the reply.**

**29. Cllr. J Moloney:** That Kerry County Council insure that all the traffic lights in the Listowel area are in proper and working order.

**Reply:** All traffic lights are currently functional and are maintained to a high standard and repaired effectively and efficiently by Kerry County Council Electricians.

**Cllr. J. Moloney** stated that the traffic lights were not working that morning. The lights at Ballygologue Cross are also causing a problem.

**Cllr. M. Kennelly** stated that the lights on the John B. Keane Road are only on green for 10 seconds.

**Mr. M. McEnery** stated that work on these lights were working on them. He will follow up on this matter.

**Cllr. J. Moloney** asked to whom should problems with traffic lights be reported, especially over a Bank Holiday weekend.

**Mr. O. Ring** stated that all issues with traffic lights must be reported. He undertook to circulate the contact details of the supervisors to all the Councillors.

**30. Cllr. A Thornton:** That Kerry County Council provide an update in relation to the progress of signage and health and safety measures at Abbeydorney National School which are in urgent need of attention.

**Reply:** Representations were received from an elected member on 21st July last requesting a number of issues to be addressed adjacent to the school. Kerry County Council through the former Tralee Area Office undertook additional line-marking works adjacent to the school in consultation with the school principal. Health and Safety issues in relation to the 'drop off' and 'pick up' of students are the responsibility of the School Principal and it is a matter for him/her to address and pursue. The locus of the school is within a 50km zone and this is clearly indicated on the approaches. The current statutory 'school signs' are weathered and will be replaced, we further intend to undertake some cautionary road surface marking in the area.

**Cllr. A. Thornton** moved this Motion in conjunction with Notice of Motion No. 25 above.

**31. Cllr. A Thornton:** To ask Kerry County Council to investigate the dangerous variances in the level of the road between Ennismore, Listowel and Killochrim and more particularly focusing on the area worst affected just before and after the cross at Cuckoo Lane.

**Reply:** A number of undulations have formed on this roadway due to the underlying peat shrinkage during the dry summer weather. There are no failures on the carriageway at present. Reconstruction of roadways in areas with a peat subsurface is expensive and Kerry County Council does not currently have the financial resources to undertake such works. Surface areas where the deformation is most noticeable have been filled, which has ameliorated the problem to a certain extent. Listowel Area Operations will monitor the road way and any failures or potholes will be repaired.

**Cllr. Thornton acknowledged that some repair works had taken place at this location since she submitted her Notice of Motion. A section of road at Cuckoo Lane Cross is falling into the dyke. It is a boggy road with serious variances. Residents are happy that some works have taken place. She asked that this stretch of road be monitored.**

**32. Cllr. A Thornton:** That Kerry County Council resurface the road at Sliabh Mhadra National School, Ballyduff as soon as possible as it is now posing a health and safety hazard.

**Reply:** We have examined this stretch of road and consider it to be in good condition overall. The 'off-side' of the carriageway, opposite the school and for a length of approx 150m has suffered due to vehicles moving off the road, due to parking on the school side of the roadway. All ruts and deformations have been filled but the margins of the roadway have become uneven, due to the requirement to maintain, what in essence was not part of the original carriageway. Strengthening the half of the carriageway, that is most effective, will cure the problem, however Listowel Area Operations can not fund the required works from its Maintenance Budget. The works are estimated at €9,500 and would be appropriate for funding through a County Councillors' Allocation. The requested works will be resubmitted to the members at a later date as a 'desired project' for funding through future County Councillors' Allocations.

**Cllr. A. Thornton acknowledged this reply.**

**33. Cllr. A Thornton:** That Kerry County Council investigate the Dale Road between Lixnaw and Abbeydorney which has a large number of variances in the level of the road way. This roadway poses a huge difficulty for residents when driving onto the road from private dwellings.

**Reply:** A number of undulations have formed on this roadway due to the underlying peat shrinkage during the dry summer weather. There are no failures on the carriageway at present. Reconstruction of roadways in areas with a peat subsurface is expensive and Kerry County Council does not currently have the financial resources to undertake such works. The local authority has procured sections of land bounding the road in preparation for re-construction works similar to the works undertaken on another section of the roadway in 2006. Funding was sought from the Department of Transport, Tourism & Sport over a number of year, but to date, such funding has not been forthcoming. Listowel Area Operations will monitor the road way and any failures or potholes will be repaired.

**Cllr. A. Thornton stated that residents cannot exit their properties turning right. They have to exit their homes on the left, drive up to another entrance and then turn around again. There are huge variances on the road. The sooner funding is made available the better.**

**34. Cllr. A Thornton:** Can Kerry County Council provide an update in relation to the status of the public roadway entering the Meadows Estate, Bridge Road, Listowel County Kerry. I understand that much correspondence has been received by Kerry County Council regarding same.

**Reply:** The Meadows Estate, Bridge Road, Listowel is serviced via the road known as the Track Road. The Track Road is a private road, not in charge of Kerry County Council. Despite considerable efforts by Listowel Town Council to resolve the matter, agreement could not be reached and so the situation remains that the Track Road is a private road and a public road in this area cannot be confirmed until a public right of way is established over the Track Road.

**Cllr. A. Thornton stated that this is a major concern for residents of the road. It should be taken over by Kerry County Council at this stage.**

**Cllr. J. Moloney stated that an offer had been made 6 months ago by Listowel Town Council. He asked if it would be possible to have an established right of way over this road included in the County Development Plan.**

**Mr. O. Ring said that this is a difficult situation as agreement has not been reached and the Track Road remains a private road.**

**35. Cllr. A Thornton:** Can Kerry County Council endeavour to resurface the car park area outside the Finuge GAA grounds ahead of a large fundraiser event in early October.

**Reply:** There are no funds available to resurface the car park but repairs have been carried out to the potholes that were present.

**Cllr. A. Thornton welcomed the reply.**

### **(c) Questions**

**1. Cllr J Brassil:** That Kerry County Council would assist Knockanure Tidy Towns with the laying of pipes and the extension of the linear garden in the town.

**Reply:** Listowel Area operations personnel will meet with members of Knockanure Tidy Towns to assess the proposed extent of the works. An estimate for the cost of piping the roadside drain will be prepared and these works will be suitable for funding through a County Councillors Allocation. The requested works will be resubmitted to the members at a later date as a 'desired project' for funding through future County Councillors' Allocations.

**Cllr. J. Brassil asked if staff would meet the Knockanure Tidy Towns Association.**

**Mr. J. Sheehan said that this would be arranged.**

**Cllr. J. Brassil stated that the Tidy Towns Committee were an extremely pro-active group and intend getting involved.**

**2. Cllr J Brassil:** That Kerry County Council would provide speed reduction measures or ramps to prevent anti-social activity in The Cloisters Estate, Abbeydorney

**Reply:** It is the policy of Kerry County Council that traffic calming requests are examined by our Design Office having regard to national guidelines, with the following factors taken into consideration:-

- Road geometry (where road geometry determines that the provision of such a scheme is not warranted i.e. length of estate road is short etc. no further design work is carried out on the scheme)
- Accident statistics
- Speed surveys/ Traffic surveys where road geometry indicates a need

Should traffic calming be recommended by the Road Design office, submissions will be sought from the public in accordance with the provisions of Section 38 of the Road Traffic Act 1994 (as amended) and a report on such submissions brought before the members for approval.

**Cllr. J. Brassil welcomed this reply.**

**3. Cllr J Brassil:** That Kerry County Council carry out completion works at Bruach Na Gaile estate as provided by the bond money that has been issued to them in order that the housing department can take over the management of the estate as soon as possible.

**Reply:** The initial request for 'taking in charge' of an estate is initiated by, either, the developer or by 75% of the property owners within the housing estate. The request should be made to the Housing Estate Unit within the Planning Department of Kerry County Council. The Housing Estate Unit will then undertake a report indicating the works required before consideration can be given to taking the estate in charge.

It is understood that a bond has been received by Kerry County Council in relation to some outstanding matters in this estate. As soon as the Housing Estate Unit issues the 'scope of works', Listowel Area Operations will commence rectification and completion works. On verified completion of the required works the process goes to public consultation after which a report is prepared for the members consideration at County level. It should be noted that the 'taking in charge' of an estate does not mean or imply that Kerry County Council takes over the management of an estate.

**Cllr. J. Brassil replied that the money has now been released to Kerry County Council.**

**Mr. J. Sheehan stated that once the file is received back from the Housing Estates Unit, the works will start immediately.**

**4. Cllr J Brassil:** That Kerry County Council would give an update as to the status of an application for a disabled shower at the residence (Details with Operations, Health & Safety Directorate).

**Reply:** This file is currently with Housing Management for approval.

**Cllr. J. Brassil welcomed this reply.**

**5. Cllr J Brassil:** Can Kerry County Council see that the broken public lighting in the Cloisters Estate is fixed.

**Reply:** Reports of public lighting outages should be forwarded to the Listowel District Operations office with a valid location and pole number. The outage will be then be reported to our service provider.

**Cllr. J. Brassil stated that this matter had now been rectified.**

**6. Cllr J Brassil:** That Kerry County Council would re-erect the directional sign for Ballyduff at Lowes cross Ballyheigue which was recently damaged by an accident.

**Reply:** The sign will be replaced within the coming weeks

**7. Cllr J Brassil:** That Kerry County Council would correct the directional sign opposite Austin Stack Park Tralee which states Ballyheigue is 43km when it should read (10 miles) 13km.

**Reply:** The National Roads Design Office, who managed this sign replacement project are aware of this error and have arranged for it to be corrected.

**Cllr. J. Brassil welcomed the reply.**

**8. Cllr D Nolan:** Could the Kerry County Council outline its position on the completion of the road through Golf View Estate as granted in original planning permission for estate.

**Reply:** There are two segments to Golf View Estate, Listowel each of which are accesses from different roadway. One section of the estate is complete. The other segment has live planning permission on the development until 2018. The roadway serving the houses which have been completed within this development is finalised. An element of the estate where housing has not commenced does not have the site works complete. It will be a matter for the developer to complete the development within the conditions of the planning permission granted.

**Cllr. D. Nolan stated that the estate is split in half. The entrance for the smaller number of houses goes through the other estate.**

**Mr. M. McEnery** stated that the Town Development Plan has an entrance via Kenny's Heights.

**Cllr. Nolan** suggested that two different estate names might be more appropriate from an emergency services point of view.

**Mr. J. Sheehan** stated that if the majority of homeowners would like to change the name of their estate, then they should forward the request in writing to him.

**9. Cllr M Kennelly:** What is the update on Kerry County Council's investigation into hazardous road junction at Lisselton Cross road junction from Coolard entering the R553 to Ballybunion?

**Reply:** The junction has been surveyed and monitored and we are satisfied that the available sight distance is still sufficient for a junction within a 50kmph speed limit.

**Cllr. M. Kennelly** said that problems exist where cars park and their end of the car is over the footpath, thereby obscuring the view.

**Mr. M. Griffin** stated that only 75 metres sight distance is required. Problems occur where the speed limit is not observed. He agreed to examine the option of putting bollards in place to prevent parking at this location.

**10. Cllr M Kennelly:** What is Kerry County Council's update with the NRA for funding to resurface Upper William St R552 in Listowel?

**Reply:** The National Roads Authority does not consider the type of overlay proposed as suitable for funding through the Authority's supplementary Maintenance programme. This overlay has to be included on the NRA's Pavement and Minor Improvement Scheme programme. Locations for such schemes are decided upon by the NRA based entirely on a national pavement condition survey undertaken by private contractors to the NRA. There is currently no mechanism available to the County Council to formally request an individual stretch of road be considered for inclusion on this scheme. However, the condition of this section of road will again be highlighted to the NRA when the Council next meets with the Authority.

**Cllr. M. Kennelly** stated that the road is now in a deplorable condition and pointed out that the Listowel Races would be commencing next week. The road needs resurfacing now. How long do we have to wait?

**Mr. J. Sheehan** said the condition of this section of road will again be highlighted to the NRA when the Council next meets with the Authority.

**Mr. M. Griffin** agreed that everyone was keen to get this road resurfaced but no funding has been made available.

**11. Cllr M Kennelly:** Is Kerry County Council actively pursuing landowners whose hedge-rows are overgrown in the area?

**Reply:** Hedgecutting notices are being posted to owners of roadside landholdings from the opening day of the hedge-cutting season. An advertisement will appear this week in the local paper regarding landowners responsibility re "Roadside Trees, Ditches and Hedges"

**Cllr. M. Kennelly** asked how severe is the content of these letters. What are the repercussions for non-compliance? Road signs are not visible as a result of overgrown hedgerows. What happens when an accident occurs as a result of non-visible signage. Are the landowners aware that they are responsible. This should be outlined in the letters.

**Mr. G. Riordan** replied that the Roads Enforcement Officer, Mr. Sean Barry has over 5,000 names on his database of landowners. The first letter issued is a reminder letter. Mr. Barry does follow up with non-compliance. In some cases it is impossible to find the landowner. Mr. Riordan agreed to forward a copy of the hedge cutting notice to the Members.

**Mr. O. Ring** confirmed that Kerry County Council does prosecute non-compliant landowners each year.

**Cllr. A. Thornton** stated that the process was not effective enough. How many letters are issued before the warning letter? The Council needs to look at their procedures.

**Mr. M. Griffin** replied that there are a large amount of cases where the Council threatens to take legal action. People will wait for the last minute before complying, sometimes only a day before the court date.

**Cllr. R. Beasley** also supported the Motion. He observed several signs that are covered by hedges. He noted that having only one Enforcement Officer in Kerry is an issue.

**Mr. O. Ring** agreed to look at the procedures and the level of activity and undertook to update the members on his findings at the next meeting.

**Mr. G. Riordan** advised the Members that Teagasc were writing to their own Members on the issue. He acknowledged that a lot of landowners look after their property.

**12. Cllr M Kennelly:** That Kerry County Council re-examine the works carried out on the Ballylongford Rd at the junction entering Coolard and Ballydonoghue, as these works are causing visibility restrictions to motorists.

**Reply:** The works were carried out in accordance with the current guidelines, however Kerry County Council was unable to procure additional land to improve the limited available sight distance.

**Cllr. M. Kennelly stated that the hedge at this location could be pruned back. Cllr. R. Beasley supported the Motion.**

**13. Cllr J Moloney:** What is the policy on temporary roadside signage that advertises different events, particularly at the entrances to our towns and villages.

**Reply:** Listowel Area Operations have prepared a Licensing Agreement on event advertising.

**Cllr. J. Moloney stated that the town is littered with signage. What is the Council's policy in relation to these signs? Cllr. Moloney stated he did not have a problem with signs advertising local events but he did have an issue with signage from "out of County" events. These signs are an eyesore and cause a problem for Tidy Town groups.**

**Mr. J. Sheehan stated that a copy of the Licensing Agreement will be forwarded to the Members. Temporary signage is allowed for charity events in the local area. Nothing else is permitted. An advert may be placed 7 days before the event and taken down 2 days after. This is enforced by Listowel MD local staff.**

#### **Road at Dirha Cottages**

Cllr. R. Beasley acknowledged the work of the Roads Department staff for the works carried out on the road at Dirha Cottages. He thanked everyone involved. He asked that the entire roadway be completed.

Cllr. M. Kennelly also welcomed the works carried out and said that the inside road was the biggest issue.

Mr. M. Griffin said he would pass on the Councillors' appreciation to the road crew. He suggested that a Community Involvement Scheme (CIS) in conjunction with Councillors' Allocation (CCA) may be an option for funding for this road.

Cllr. R. Beasley said that most of the residents at Dirha Cottages were elderly with limited income. He doubted if the CIS would be feasible in this instance.

#### **14.07.14.06 Water Services Directorate.**

It was agreed to note the following report from Mr. J Kennelly SE Water Services which was circulated.

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

The 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 Listowel Municipal District are outlined in the following table.

<b><u>CIP TIONSCNAIMH FUÍOLLUISCE</u></b> <b><u>CIP WASTEWATER PROJECTS</u></b>	
<b>Tionscnamh Project</b>	<b>Stádas Status</b>
Tarbert SS	Tarbert and Ballylongford WWTP being progressed as one contract. Contract has been awarded to Response Engineering Ltd The official contract commencement date was 17/02/2014 Tarbert Advance pipe-work Contract completed – June 2013
Ballylongford SS	Tarbert and Ballylongford WWTP being progressed as one contract. Contract has been awarded to Response Engineering Ltd The official contract commencement date was 17/02/2014

### **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 Direction from the EPA. It should be noted that the upgrade works on the 4 Water Supplies in the Listowel Municipal District that were placed on the EPA RAL list have all been completed.

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

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

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 Listowel Area is outlined in the following table:

<b><u>MINOR CAPITAL WORKS PROGRAMME</u></b>			
<b>Project</b>	<b>Description</b>	<b>Estimate</b>	<b>Status</b>
Ardoughter Water Tower Boundary Wall Replacement	Remove fallen trees and rebuild part of boundary wall	€ 5,750	Approved
Lyreacrompane WTP - Sludge Treatment	Complete Sludge Treatment Plant	€ 50,000	Approved
Lyreacrompane WS Network - Unidirectional Scouring	Install new scour valves and provide sampling points on existing scours	€ 17,000	Requested
Ballyheigue Water Softener	Repair pipework and replace resin	€ 7,000	Requested

Ballyduff CI Mains Replacement	2,900m of CI ahead of Roads Overlay	€ 277,500	Approved
<b>Total</b>		<b>€357,250</b>	

### **Group Schemes**

#### **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 DECLG and Irish Water to develop a protocol to facilitate the Takeover of Group Schemes. Pending the publication of this protocol, all Takeover applications are 'on hold'.

#### **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.

**A total Block Grant Allocation of €906,600 has been allocated to Kerry County Council for the various measures under the Rural Water Programme in 2014. This includes grants of €625,100 for Group Water Supply Schemes and €281,500 for Group Sewerage Schemes.**

In 2014, almost all the €625,100 grant for GWSSs is allocated towards the completion of upgrade works on existing schemes in the other Municipal Districts.

### **Group Sewerage Schemes**

#### **General Background on Group Sewerage schemes**

The DOECLG Grant for Group Sewerage Schemes (GSSs) was increased to €6,500 per house or 75% of the cost of the scheme, whichever is the lesser, in December 2012. The members of a proposed group scheme must make up the balance of the initial capital / construction costs. It is also necessary that each GSS and Irish Water agree in advance of the Scheme's construction that Irish Water will take over that scheme on its satisfactory completion. Kerry County Council has discussed this with Irish Water and does not anticipate any difficulty in obtaining the consent of IW. There are no Group Sewerage Schemes in the Listowel Municipal District.

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

**1. Cllr. J Brassil:** That Kerry County Council will provide updated water saving measures in all their public facilities across the County as standard good practice in line with new water charges.

**Reply:** This worthy proposal, which would include some re-plumbing, the replacement of taps and cisterns and the introduction of electronically controlled timer systems, etc has already been carried out, with good results, in Waterville public convenience. It is estimated that the proposal may cost up to €500 per facility over the 28 public toilets in Kerry.

**Cllr. J. Brassil asked if the original contractor involved could complete the remainder. Could Kerry County Council contact him directly?**

**Mr. C. Mangan** stated that this was no longer part of the Water Services Directorate.

**Mr. O. Ring** agreed to refer this matter to brief the Sustainable Communities and Quality of Life Directorate.

**Cllr. Brassil** requested a point of contact on this matter.

**2. Cllr. R Beasley:** That Kerry County Council rectify the sewerage connection for (name with Water Services) that was put in place over twenty years ago when the new sewerage system was put in. They have tried and failed to find the connection at the side of the road going down to the Cashen. Irish Drains were involved and where the camera was put down, local men dug down for six feet and three feet on either side but failed to find it. Now they think that it is under the road and need permission to locate the connection. This is a Kerry County Council problem.

**Reply:** When the Ballybunion Sewerage Scheme was constructed in the mid Eighties, the owners of the local houses were invited, on a once-off basis, to apply for free connections. Apparently there is now no evidence of the existence of such an unused connection at this location. After more than a quarter of a century, neither the Council nor Irish Water has a responsibility in this matter. If a connection is required the applicant must pay the fees.

**Cllr. R. Beasley** stated that he was disappointed with this response. The main sewer was to have connections for all the houses. Kerry Drains put a camera down and stated that a connection was there, however, they were unable to locate it. This should be the responsibility of Kerry County Council as the connection was not where it should be.

**Mr. C. Mangan** replied that Kerry County Council could not be held responsible for something that happened 25 years ago. There is no evidence that the connection was actually installed.

**Mr. O. Ring** stated that with other Sewerage Schemes we give free connections for a limited time. It is up to the residents to connect up to same.

**Cllr. Beasley** stated that he thought it unreasonable as the resident in question will have to dig up the road in order to locate the connection. He said that the connection should have been on the side of the road.

**Mr. Mangan** advised that the permission of the Roads Department would have to be sought to dig up the road.

**Cllr. J. Brassil** stated that the Scheme should have brought the connection to the point of the property. This resident was being penalised for something not carried out properly by Kerry County Council.

**Mr. J. McEniry** stated that there was no guarantee that the connection was there in the first place. 25 years is a long time.

**Cllr. Beasley** asked if Kerry County Council would provide a connection without an excessive charge.

**Mr. McEniry** replied that if the work is carried out, there would be a connection fee.

**3. Cllr L Purtill:** That Kerry County Council would service all the non-return valves on the sewer outfalls in Ballylongford to help alleviate flooding in the village. Have they been checked recently? Some were not working and they need to be repaired or replaced urgently.

**Reply:** These non-return valves were serviced / repaired earlier this summer. The Ballylongford Waste Water Treatment Plant contract is currently underway. The contract includes the provision of a tidal holding tank. Other works to eliminate all direct discharges from buildings to the river and estuary, i.e. to ensure that all houses etc are connected to the sewer network, are also planned for the coming months. The completion of the contract and these works in early 2015 will result in a significant reduction in the risk of back-up through the sewers in times of flooding / high tides.

**Cllr. L. Purtill** stated that not all the valves were working. Locals say that other valves are required in the river.

**Mr. J. McEniry** stated that the river was outside of the Council's remit. He undertook to examine the valves again. They were last inspected circa April/May. The plastic valves can be problematic as debris can get caught in same.

**4. Cllr M Kennelly:** Resubmission of Motion 34 from July Meeting as the response was only designated to the Clieveragh area of Listowel, other areas have also been affected by localised flooding and that Kerry County Council would prepare an emergency plan in the event of future flooding.

"That Kerry County Council in conjunction with Irish Water would do a full audit and survey of the drainage system in Listowel, focussing on the areas worst affected by the most recent floods and that their agencies would prepare and initiate an emergency plan in the event of future flooding".

**Reply:** A proposal for the appointment of Consultants to investigate and assess the overall public drainage system in Listowel is currently being prepared by the Council for submission to Irish Water.

**Cllr. M. Kennelly** stated that the initial response only referred to Clieveragh. Is the plan going to include the distribution of sand bags. How long more will this take?

**Mr. O. Ring stated that a study of the whole drainage system and especially where storm water is getting into the system would be necessary. It is estimated that same will take 4 - 8 weeks to be completed. A proposal is currently being prepared for submission to Irish Water.**

### **(c) Questions**

**1. Cllr J Brassil:** What is the up to date status regarding the taking in charge of the Clanmaurice Water Scheme?

**Reply:** The Clanmaurice Group Water Supply Scheme includes 115Km of water mains, approximately 5.7Km of which are laid in private roads and 2.3Km in private land. There are almost 1300 connections on the Scheme, approximately 250 of which serve farms. The Scheme, which was initially formed in the early 1980s, and has been privately developed since then, has applied for take-over by the Council / Irish Water. Mainly because of its age, much of the Scheme's infrastructure is in poor condition and should be replaced.

The financing and administration of the Rural Water / Group Schemes' sector remains within the responsibilities of the Department of Environment, Community and Local Government, and Irish Water has no role in this sector.

The Council has carried out extensive pipe replacement and other upgrade works, to the value of €550,000 and financed by the DoEC&LG, at Cleanderry and Ballynoe in Causeway and at Ballylongane and Trisk mountain in Ballyheigue, over the last two years. Further similar works will be carried out as funding becomes available.

The process by which Group Schemes will be taken over by Irish Water in the future has not yet been finalised, although discussions are going on between the DoEC&LG, Irish Water and the County and City Managers' Association. Further Legislation may be necessary on the matter.

**Cllr. Brassil asked that this be kept on the Agenda and referred to his request for the reception of a deputation from the members of this GWS for next meeting (Item No. 7(b) refers).**

**2. Cllr D Nolan:** That Kerry County Council provide an inventory of all lead piping still remaining in Listowel town, including house connections from the main lines.

**Reply:** The Council is aware of some lead piping in the public mains in part of The Square and also in Greenville in Listowel.

The Water Services Department is currently updating its inventory of all lead piping on the public water supply schemes in Kerry and it is expected that this will be completed by the end of September 2014. The survey is part of a nation-wide assessment of the prevalence of Lead in the water services' infrastructure. Lead piping is very common in the private plumbing, i.e. the water service pipes from the

roadside stopcocks to and throughout the building, in most constructions built before the late Sixties.

**Mr. O. Ring confirmed that the Council would do its best to have this work completed.**

**6. Motions / Questions relevant to other Directorates or issues not relevant to Kerry County Council business.**

**(b) Notice of Motion**

**1. Cllr M Kennelly:** That Kerry County Council contact Bus Éireann to confirm what bus access/ bus routes are available to people with permanent disabilities, that are wheelchair bound, and travel alone by bus transport within the Listowel Municipal Area.

**Reply:** This is a matter for resolution by the members.

**Cllr. M. Kennelly informed the Members that a person with a disability has to pre-book their seat a day before they wish to travel. He said this situation is unacceptable. He asked that Bus Éireann be contacted and requested that they give a comprehensive report on same.**

**Mr. G. O'Brien confirmed that he would follow up on this.**

**2. Cllr M Kennelly:** That Kerry County Council through our Area Executive, Municipal District members and with public awareness decide on the most appropriate utilisation of the Old Kerry County Council offices on the Bridge Rd, Listowel.

**Reply:** The motion will be addressed in the context of the overall amalgamation project which is currently ongoing.

**Cllr. M. Kennelly acknowledged the response.**

**7. Reception of deputations**

(a) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. D. Nolan, it was agreed that a deputation from the residents of Foildarrig, Duagh concerning ongoing flooding in the area would be received at the next meeting of the Municipal District of Listowel.

(b) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. D. Nolan, it was agreed that a deputation from the members of the Clanmaurice Group Water Scheme concerning the taking in charge would be received at the next meeting of the Municipal District of Listowel.

## **8. Reception for Savannah McCarthy**

The hosting of a reception for Savannah McCarthy was considered and it was agreed that the Cathaoirleach would discuss the matter with the family.

Mr. G. O'Brien also raised the holding of a reception for the Winners of the All-Ireland Fleadh na hÉireann as proposed by the Cathaoirleach.

Cllr. M. Kennelly said that he would revert with a date for same.

## **9. Dates for meetings**

(a) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. A. Thornton, it was agreed that the next meeting of the Municipal District of Listowel would be held on Thursday, 9<sup>th</sup> October 2014 at 10.00am

(b) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. A. Thornton it was agreed that a meeting to consider and adopt the Draft Budget Plan for the Municipal District of Listowel would be held on 9<sup>th</sup> October 2014 at 2.00pm

## **10. Matters arising from the Minutes as confirmed at 1 above.**

Cllr. D. Nolan referred to Pages 24 and 25 of the Minutes of the previous meeting and asked if any update had been received from Road Design Office in relation to the suitability and justification for a pedestrian crossing adjacent to the playground in Moyvane.

Mr. G Riordan SE undertook to revert to Cllr. Nolan regarding this matter.

## **11. Any Other Business.**

### **Lixnaw Graveyard**

Cllr. J. Brassil asked if an update was available on the new burial ground in Lixnaw.

Mr. C. Mangan said that the Part VIII for the development of a new burial ground in Lixnaw would be included on the agenda for approval by the members at a meeting of the full Council later this year.

### **Kilmoyley Graveyard**

Cllr. J. Brassil referred to agreement to carry out works at Kilmoyley Graveyard and asked that Kerry County Council keep its commitment to complete same.

### **Letter to Ratepayers**

Cllr. A. Thornton informed the Members that rate payers in Listowel, who have already paid their rates, have received legal warning letters from the Council's Finance Department asking them to pay same. Cllr. Thornton stated that when a person who had received one of these letters contacted the Council's Revenue Department they were advised that these letters issue regardless of whether the rates had been paid or not. Cllr. Thornton said that this practice was unacceptable.

Mr. G. O'Brien agreed that this was not normal practice and undertook to raise this matter with Ms. A McAllen, Head of Finance at the Budget Briefing in the afternoon.

### **Tidy Towns**

On behalf of Listowel Tidy Towns Committee, Cllr. J. Moloney thanked Kerry County Council, and in particular, the staff in the Municipal District of Listowel for the works carried out in the town.

**The meeting concluded at 1.20pm.**