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**MINUTES OF THE MEETING OF THE MEMBERS OF THE MUNICIPAL DISTRICT  
OF LISTOWEL HELD IN, ÁRAS AN PHIARSAIGH, LISTOWEL ON  
21<sup>st</sup> NOVEMBER 2014**

**MIONTUAIRISCÍ NA CRUINNITHE DE CHEANTAR BARDASACH LIOS  
TUATHAIL A THIONÓLADH IN ÁRAS AN PHIARSAIGH, LIOS TUATHAIL, AR  
AN 21<sup>ú</sup> SAMHAIN 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 Sheehan</b>	<b>SEE</b>
<b>Mr. P Stack</b>	<b>SE Planning</b>
<b>Mr. TJ Mahoney</b>	<b>Heritage Officer</b>
<b>Mr. H Switzer</b>	<b>AO Housing</b>
<b>Mr. M McEnery</b>	<b>EE Operations</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. S Broderick</b>	<b>SO Corporate Affairs</b>

The meeting commenced at 11.15am.

**14.11.21.01 Confirmation of the Minutes**

- (a) On the PROPOSAL of Cllr. R Beasley, SECONDED by Cllr. L Purtill it was agreed that the Minutes of meeting of the Municipal District of Listowel held on 9<sup>th</sup> October 2014 be confirmed.
- (b) On the PROPOSAL of Cllr. L Purtill, SECONDED by Cllr. J Moloney it was agreed that Minutes of Meeting of the Members of the Municipal District of Listowel to

consider and adopt a Draft Budgetary Plan for the Municipal District of Listowel held on 9<sup>th</sup> October 2014 be confirmed.

#### **14.11.21.02 Deputation from Sliabh 'a Mhadra National School Ballduff.**

Cllr. J Brassil welcomed the deputation and introduced the spokesperson, (*Name withheld for data protection purposes. A paper copy of unedited Minutes available on request*)

(*Name withheld for data protection purposes. A paper copy of unedited Minutes available on request*) thanked the members and management of the Municipal District of Listowel for facilitating the reception of the deputation and made a presentation to the meeting as follows:

"Sliabh 'a Mhadra National School is the largest national school in the Ballyduff/Causeway parish. 168 pupils attend the school which has 6 mainstream classrooms and 14 staff members. There is a set down area available for the two busses which service the school and staff parking is within the school grounds. 129 pupils travel to the school by car, 35 travel by bus and 4 pupils walk to school. The approach roads to the school are very narrow and the verge of these roads is very uneven. While there is a traffic plan in operation and the safety of children is not compromised, other road users are unable to pass during school start and finish times".

Possible solutions to the on-going safety risk would be:

- Approximately 400m from T junction (Slievewadra Cross)
- Road widening by removal of ditch along both approaches to the school.
- Concrete post and wire fence along road boundary would allow increased road width.
- Improved road markings.

Cllr. J Brassil thanked Ms. Dwyer for her presentation and said that there is an onus on Kerry County Council to resolve this matter. As a last resort, the option of a Compulsory Purchase Order (CPO) for the land required for the removal of the ditch may have to be considered.

Cllr. R Beasley welcomed the deputation and said that he is very familiar with the situation at this location at school start and finish times and agreed that this matter must be resolved.

Cllr. L Purtill welcomed the deputation and assured them of his support.

Cllr. J Moloney complimented the deputation on their excellent presentation and assured them of his support.

Cathaoirleach, Cllr. M Kennelly welcomed the deputation and complimented them on their presentation. He said that he is a member of the Board of Management of Coolard national school where there are also traffic management issues. He said that the co-operation of adjoining land owners is necessary for a satisfactory resolution to this matter.

Mr. J Sheehan SEE welcomed the deputation and said that he is glad that there is a traffic management plan in place and that safety of the pupils is not a significant concern. The 'off-side' of the carriageway, opposite the school for a length of approx 150m has suffered due to vehicles moving off the road and 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 effected, will resolve the problem, but there is no funding available for this work to be carried out. If the school could secure the agreement of the adjacent landowner to remove the ditch the matter could be examined further.

Cllr. A Thornton said that she had submitted a notice of motion concerning this location for the September meeting of the Listowel Muincipal District and had been advised that the works are estimated at €9,500 and would be appropriate for funding through a County Councillors' Allocation. She asked if the current road marking is adequate.

Cllr. J Brassil said that the removal of the ditch and piping of the drain would resolve the issue. When County Councillors Allocations are allocated for 2015, this project will be considered for funding by the members of the Listowel Municipal District. In the meantime he asked that Mr. J Sheahan would examine how the project can be progressed.

*(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* said that the site on which the school is built is owned by the Diocese of Kerry which is not in a position to purchase the land required for the removal of the ditch. She has been in contact with the Department of Education and has been advised that it does not purchase land in cases such as this. She hoped that Kerry County Council would be able to resolve the matter as the safety of children walking to school is a concern.

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

##### **(a) Notice of Motion**

**1. Cllr. D. Nolan:** That Kerry County Council hold a public meeting regarding the proposed bypass for Listowel Town.

**Reply:** Kerry County Council have already held two non-statutory public consultations on the proposed N69 Listowel Bypass, at Project Constraints and Route Selection Stage. The Preferred Route Option was also placed on public display and these drawings are still available to the public on the Kerry County Council website.

On publication of the EIS & CPO, a statutory public consultation will be held and submissions may be made to An Bord Pleanála from interested parties.

Subject to NRA approval, publication of the EIS & CPO is planned for early 2015. The question of a public meeting therefore does not arise at this time.

However, should individual members of the public have particular concerns, Kerry NRDO staff are available by appointment to discuss the scheme.

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

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**

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

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

- **Kerry Mobile Libraries Highly Commended**

At the recent 2014 Chambers Excellence in Local Government Awards, the Kerry Mobile Library Service has been 'Highly Commended'.

It was one of 3 services short listed nationally under the 'Best Library Service' category.

The overall library award was won by Mayo County Library for its Musical Instrument Lending Scheme. Details of all award winners are available at <http://www.chambers.ie/events/excellence-in-local-government-awards>

Kerry County Council operates 2 Mobile Libraries, one serving North & West Kerry, the other serving South & East Kerry, based on a fortnightly schedule. They stop at 93 locations county wide, including village centres, housing estates, community centres and pre-schools and provide Block loans and Classroom novels services to primary schools.

During 2013, a total of 130,692 books were borrowed from the Mobile Library service.

##### **Community Services and Engagement Report for November 2014**

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

##### **Local Community Development Committee**

The meeting of the LCDC took place on 3<sup>rd</sup> November. The meeting considered the Committees role in developing a Leader Strategy for the County and the preparation of the Local Economic & Community Plan in Conjunction with Kerry County Council. Cllr Norma Moriarty was elected chairperson of the LCDC.

The tenders in respect of the Social Inclusion & Community Activation Programme have issued and completed Tenders must be received by 19<sup>th</sup> December 2014.

### **Public Participation Network**

Preparations for the establishment of the PPN continued with registration up to 30<sup>th</sup> September. A number of information meetings were held throughout the county including Tralee detailing the role of the PPN and particularly its functions in relation to the selection of community members for the SPCs, JPC and ultimately for the permanent membership of the LCDC. The meeting to agree nominations for the SPCs & JPCs took place on 12<sup>th</sup> November in Tralee. Over 300 people attended which was a magnificent turnout and reflected the interest in the process. Please find the results of these elections on the attached Table.

### **Pride of Place/Community Awards/Tidy Town Awards**

The national adjudication of the Pride of Place took place in Ennis on 15<sup>th</sup> November. Kerry has four representatives, with the Ballyduff Community of Excellence in Mental Health Awareness project representing the Listowel Municipal District.

The Community Awards were held in Killarney in the past month and were a huge success showcasing the many voluntary groups in the county. Congratulations to all who took part.

### **Environmental Services Report for November 2014**

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

The following are a list of environmental awareness activities taking place this month and planned for the next few months:

- Launch of Smarter Travel for Tralee town was carried out on Tuesday 11th Nov
- Stop Food Waste Demonstration at Listowel Food Fair on 20th Nov
- Repair Workshops in Tralee on Sat 22nd. These can be extended to Listowel in the New Year again if there is sufficient interest in doing so.
- Collection of White goods / WEEE waste took place in Tralee on Sat 8th Nov and will be in Killarney in Spring 2015
- Japanese Knotweed Seminar for community groups will take place in Spring 2015 – these will possibly be held in Tralee or Killarney. This will be in conjunction with Kerry County Council Biodiversity officer.

- Sustainable Living / Community Resilience Workshops are currently being run for Listowel and Tarbert Tidy Town.
- Recycling Guide and Energy/ Water Conservation tips for Xmas – currently being prepared

## **Emergency Services Report November 2014**

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

- There was a short-term rise in weather-related fires in September. However September, above all months so far in 2014, has shown the success of the inter-agency endeavour in Kerry (KCCFRS, DAFM, IFA and AGS) in managing controlled burning in the County. Controlled burning is being correctly pre-notified and happening safely, saving the costs of avoidable gorse-fire turnouts

### **Fire Safety and Prevention:**

- The annual licensing season is well under way without outstanding issues to date.
- The recent emphasis has been on highlighting safety in the home from the risk of Carbon Monoxide poisoning and preparing for national Fire Safety Week (6<sup>th</sup> to 12<sup>th</sup> October) during which a strong outreach will be sustained in the media and by local Brigade activities

### **Building Control:**

- There were no new issues of significance during September

### **Civil Defence:**

- The newly acquired (rental) garage/warehouse facility in Monavalley has been occupied and modifications to the same are underway. Department Of Defence is funding the modification costs
- The usual provision of leadership and resources, particularly with the implementation of Event Medical Plans, continued and recruitment, progression and the training of new and existing volunteer members is ongoing

### **Major Emergency Management:**

- Regional participation has been ongoing in Steering and Working Groups and in various sub-groups. Refresher training took place here in Kerry (FRS Headquarters) in On-Site CoOrdination and on the MEM Information Management System

### **Administrative Matters:**

- The key administrative task under way at this point is Budget 2015

## Housing Social Services Report November 2014

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

### Social Housing Activity Report at 11th November 2014

#### Listowel Municipal Area (L.M.A.)

##### **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	29
New Tenancies Commenced	26
Accommodation refusals	8

##### **Social Houses**

##### **Vacant Group scheme properties within Municipal Area**

Under Repair (Excl those awaiting major refurbishment)	14
Awaiting Allocation	6

##### **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	806	110
New tenancies in 2014	115	11
Tenancies terminated in 2014	37	5

##### **Leasing**

	<u>County</u>	<u>L.M.A.</u>
Leased Properties	62	6
Leases under negotiation	9	1

##### **Housing Adaptation Grants (County Wide)**

	<u>No.</u>	<u>€</u>
Allocation 2014		2.039m
New Grants Allocated 2014	368	2.084m
Total 2014 Commitment	421	2.392m
Grants Paid	238	1.339m



**Attendance of staff of Housing Department at Municipal District meetings.**

Mr. G O'Brien said that as requested by the members of the Municipal Districts a senior staff member from the Housing Department will attend all future Municipal District meetings to discuss any issues with regard to housing, which the members may wish to raise.

**Single Rural Dwelling**

Cllr. J Brassil referred to an application for a Single Rural Dwelling in Ballyheigue and asked that it be progressed immediately.

**Vacant Properties.**

Cllr. J Brassil referred to the timeframe for the reallocation of vacant houses and said that as the Local Authority is not being allocated funding for the construction of houses at present, vacant houses should be reallocated as speedily as possible.

Cllr. D Nolan SECONDED this proposal

Cathaoirleach Cllr. M Kennelly agreed with Cllr Brassil and referred to a house on Ballygologue road Listowel which was vacant for a considerable length of time prior to being reallocated.

Ms. H Switzer undertook to update the members on this matter at the next meeting.

**Cllr. A Thornton moved Notice of Motion No. 24 (Operations Health & Safety Directorate) at this stage.**

**24. Cllr. A. Thornton:** That Kerry County Council assess the property of (Details with Directorate) in relation to an application made in 2011 for replacement of windows and doors. The property has deteriorated since the last inspection in 2011 and requires a follow up assessment as soon as possible.

**Reply:** No current repair request relating to this property appears on iHouse. This is a private property and consequently Listowel Municipal District Operations would have no function in conducting repairs.

The Housing Department of Kerry County Council have indicated that a Grant Application under the Housing Aid for Older Persons Grant Scheme was refused having regard to the condition of the windows and doors following inspection.

An appeal has been received which is under consideration.

**(b) Notices of Motion**

**1. Cllr. R Beasley:** That Kerry County Council replace the two swings that are missing from the children's playground in Ballybunion.

**Reply:** The Council had to await delivery of specialist bearing sets for the swing hangers - these are now fitted and the swings are now back in position.

**2. Cllr. R Beasley:** That Kerry County Council, when marking out the graves at Ahavora Churchyard in Moyvane, would leave at least 3.5ft between the burial areas, commencing where they finish in row 103 to move on to row 104 - 134 and then continue the same in other rows, as mini diggers are needed to dig graves and at least this amount of space (3.5ft) is required.

**Reply:** Kerry County Council will increase the path widths to at least 3.5ft for new rows in Ahavoher Burial Ground.

## **(b) Questions**

**1. Cllr. A. Thornton:** Can Kerry County Council clarify whether an application can be made for funding for a new car park at the new Duagh Sports Centre to Kerry County Council and if so, how and to whom?

**Reply:** The Community Fund, as agreed at Municipal District level, will be accepting applications in 2015. Criteria for applications will be developed in early 2015 and brought to Council. Dependent on these criteria, such a proposal may qualify.

## **Strategic Policy Committee (SPC)**

Cllr. J Brassil said that he had been contacted by a person who is unhappy with the selection process for the various sectors for the SPC's. He asked if the membership of the groups should be expanded in order to be effective and diverse.

Mr. G O'Brien said that the selection process for the nomination of sectoral representatives to the Environment SPC is quite restrictive. The groups that went forward for nomination to the Environment SPC had to be approved by the Environment Pillar. In the past the variety of groups that nominees could be selected from was much broader than on this occasion.

## **14.11.21.05 Water Services Directorate**

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

### **Clár Infheistíochta na Seirbhísi Uisce Comhairle Contae Chiarraí Kerry County Council Water Services Investment Programme**

Achoimre Stádais ar an 10<sup>ú</sup> Samhain 2014

Status Summary at 10<sup>th</sup> November 2014

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

The Irish Water Capital Investment Programme 2014-2016 was launched in May 2014. A total of 8 wastewater Schemes (total value of €10.7 million) and 7 water schemes (total value of €22.5 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/CIP WASTEWATER PROJECTS</u></b>	
<b>Tionscnamh Project</b>	<b>Stádas Status</b>
Tarbert SS	Tarbert and Ballylongford WWTP are being progressed as one contract awarded to <b>Response Engineering Ltd.</b> Tarbert Advance pipe-work Contract completed in June 2013
Ballylongford SS	Tarbert and Ballylongford WWTP are being progressed as one contract Work by Response Engineering Ltd. is underway – completion in middle of 2015

#### **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) on which there's an ECJ Ruling, and also on meeting the EPA Discharge License requirements.

#### **Irish Water Minor Capital Works 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	Work Completed
Lyreacrompane WTP - Sludge Treatment	Complete Sludge Treatment Plant	€ 50,000	Work Underway
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	Work Completed
Ballyduff Cast Iron Mains Replacement	Replace 2,900m of C.I. pipes	€ 277,500	Work Completed
Fenit Sewerage Scheme	Replace 50m section of sewer damaged by storms	€ 25,400	Completed
Ardfert South Water Supply Scheme	Installation of 3no. PRVs and 9 Air Valves	€ 24,500	Work Underway
Derry Listowel NEKRWSS	Replace 3.5Km of 300mm diameter Asbestos Cement Water Main	€ 1,163,000	Site Investigation Contract completed; Tender Documents almost completed; Tender later 2014.
<b>Total</b>		<b>€1,570,150</b>	

## **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.

**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.**

### **Takeover of Group Water 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. Pending the publication of this protocol, all Takeover applications are 'on hold'.

For 2014, much of the €625,100 grant for the upgrade prior to Takeover of GWSSs was allocated towards the completion of ongoing works on existing schemes – pipe replacement works at Ballylongane, Ballyheigue and Ballynoe Causeway and reservoir works at Trisk Kerryhead, all on the Clanmaurice GWSS, are examples in this MD.

**The replacement of 1.6Km of old and deficient 50mm watermains with a new 90mm diameter pipe is currently being carried out at Kilmore and Cloghane near Ballyduff – this is also part of the Clanmaurice GWSS.**

### **Group Sewerage Schemes**

#### **General Background**

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 then 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.

#### **(a) Notices of Motion**

**1. Cllr. A. Thornton:** Is Lixnaw Village on the Waste Water Treatment List and if so, where is it placed at present? There is currently a very bad smell of sewerage in the Village a number of times per day.

**Reply:** This is one of a number of Sewerage Schemes for the upgrading of which Kerry County Council submitted business cases to Irish Water in October 2013. The scheme is not included in the current Irish Water Capital Investment Programme

(2014 to 2016). Kerry County Council has purchased sufficient land to accommodate an Integrated Constructed Wetland to augment the treatment process.

The Council has not been advised of the prioritisation of projects by Irish Water, beyond the current Capital Investment Plan.

The odour problems currently being experienced may be caused by the agitation of stagnant effluent when the pumps come into use on an interval basis at the sewage pumping station. The time setting of the pumps and the possible reduction of the size of the sump will be investigated to ensure that the pumping station comes into action more regularly.

**Cllr. A Thornton asked if Kerry County Council is being updated by Irish Water on the progress with regard to the list of submissions being made to them by the members.**

**Mr. C Mangan said that the list of schemes that Kerry County Council has applied to Irish Water for under the Minor Capital Works Programme in the Listowel Area is outlined in the Water Services Report (on page 10). Irish Water has also launched a Minor Capital Works Programme 2014. This is a rolling programme of Minor Improvement Works which may be added to as the need arises.**

#### **Ballylongford/Tarbert Waste Water Treatment Plant**

Cllr. L Purtill acknowledged that Tarbert and Ballylongford Waste Water Treatment Plant are being progressed as one contract with an expected completion date of mid 2015

#### **List of queries to be forwarded to Irish Water**

Cllr. J Brassil said that Mr. JD Flynn is compiling a list of queries from the members concerning water charges for to be submitted to Irish Water. He reminded the members that Irish Water is due to make an announcement in the coming week concerning their review of water charges.

#### **Group Sewerage Schemes**

Cllr. J Brassil asked if a cluster of houses adjacent to the treatment plant in Ballyheigue would be an example of a location where a Group Sewerage Scheme could be set up.

Mr. C Mangan said this seems like a suitable scenario for a GSS. The residents would have to agree to form a Group and then make an application to Water Services in KCC – the business of Rural Water / Group Schemes is still administered by the DoE,C&LG and operated on that department's behalf by the Council.

## Cast Iron Mains

The following report which was circulated was noted by the members.

Water Services				
Location	Length m	Diameter / Inches	No. of Connections	Comments
Tarbert Island	817	7	1	The public toilets may be the only connection to this
Tarbert - St Patrick's Terrace in gardens of houses.	400	3	35	
Tarbert - Kilpaddoge low road to Ballylongford.	1800	3	31	
Ballylongford - Creamery Road	300	4	3	
Ballylongford - Rusheen Park in gardens of houses.	800	3	51	
Ballybunion - Lahardane, Farranpierce and Dromin.	3200	6	18	
Moyvane - Old Council Estate; in gardens of houses.	160	3	9	
Listowel - Greenville	140	3	10	
Listowel - The Square	200	6	17	
Causeway - Village	1800	3, 4	104	
Ballyheigue - Booleensheare and Church Road	950	6	12	
Totals		10,567	291	

Cllr. D Nolan welcomed the report and said that she had been made aware that there was a burst pipe in the old Local Authority estate in Moyvane. She asked what the plan is for the replacement of old cast iron mains going forward.

Mr. O Ring clarified that there are no lead mains in North Kerry. The old cast iron mains had lead connections and many of them have been upgraded over the years. He undertook to revert to Cllr. D Nolan to confirm if the main has been replaced at the Local Authority housing estate in Moyvane.

Mr. C Mangan said that where any cast iron mains replacement work has been carried out, the individual lead service pipes have been replaced with modern piping as far as the stopcocks.

### 14.07.14.05 Operations, Health & Safety Directorate

It was agreed to note the following Report from Mr. G Riordan Senior Engineer which was circulated.

Listowel Town	<b>Roads</b> Roads Programme – Footpaths to be renewed at: Ballygologue Park – complete <b>Housing</b> 101 Feale Drive, Listowel (completion late November)
Listowel Municipal	<b>Roads</b> Restoration Improvement:

District (Rural)	<p>R551 Ballyduff Village: Pavement restoration complete</p> <p><b>Housing</b> Site preparation works for a 'demountable unit' in Ballyheigue is complete – works on the unit are ongoing.</p> <p><b>Casual Vacancy</b> 36 Woodview Place, tarbet – Works near completion 103 houses within the Listowel Municipal District are awaiting insulation works. A contractor has been appointed and works are expected to commence next week. A 'clean up' of lands in and around the 'Cloisters', Abbeydoorney was undertaken.</p> <p><b>Taking in Charge</b> Works are ongoing in Bruach na Gaille, Moyvane and in Kilmoyley South</p>
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### **Hedge/Tree cutting**

I refer to a request from the Elected Member at the October Council Meeting for a report on procedures in relation to hedge cutting.

Under the **Wildlife Act, 1976**, (as amended 2000) the hedge cutting season is **September to February (inclusive)**, and it is an offence to destroy vegetation growing in a hedge or ditch outside of this period.

Under **Section 70 of the 1993 Roads Act** landowners and occupiers of land are obliged to take all reasonable care to ensure that structures, trees, ditches, hedges and other vegetation growing on their land are not or could not become a danger to people using or working on a public road.

Landowner/occupier are required to fell, cut, log, trim or remove such trees, ditches and hedges to prevent them from becoming a hazard to persons or property in the area. Examples of hazards include, dead or dying trees, ditches or hedges which interfere with traffic by blocking footpaths, obscuring road signs or obscuring a clear view of the road ahead.

Kerry County Council has a database of landowners, whose property (mainly farmland) abuts the public road, built up over a number of years. **There are over 1,100 landowners in the Listowel area database.**

These landowners are written to annually, in September, informing them of their responsibilities regarding the maintenance of roadside hedges on their property. **(Sample letter attached)**

### **Procedure:**

For example, in Sept 2013, 1146 hedge cutting letters were sent to landowners in the Listowel Area. These letters informed the landowners of their responsibilities and requested that the landowners carry out any necessary maintenance within 21 days of receipt of the letter.

Typically, we receive reports of areas where road side hedges are seen as an immediate hazard to road users from Councillors, Area Engineers and from the general public. In accordance with the legislation, Mr. Sean Barry, Roads Enforcement Officer, inspects each location for which a complaint is received, where he determines whether or not the hedges are an immediate hazard.

If it is deemed to be so, the site in question is marked up on a map and a Land Search is carried out to establish who the registered owners of the lands are. (As lands are constantly changing hands, it is inevitable that our database of names will not be 100% accurate)

The registered owner is then sent a **Final Notice** by registered post informing them of the hazard and instructing them to carry out the necessary works within 21 days. They are also informed that if they fail to carry out the works within the time stated Kerry Council will carry out the required works and recover all costs in doing so through the courts if necessary.

In the last hedge cutting season, 54 final notices were sent out in the Listowel Area, and all were complied with.

Generally speaking, landowners are aware of their responsibilities and compliance is fairly good throughout the county. If any councillor wishes to make a report/complaint, they can do so to Mr. Sean Barry, Roads Enforcement Officer at [sean.barry@kerrycoco.ie](mailto:sean.barry@kerrycoco.ie).

***Gerry Riordan***  
***Senior Engineer***

### **‘Cloisters’, Abbeydorney**

Cllr. J Brassil welcomed that a ‘clean up’ of lands in and around the ‘Cloisters’, Abbeydorney has been undertaken.

### **101 Feale Drive**

Cathaoirleach Cllr. M Kennelly asked that 101 Feale Drive would be allocated to an applicant who is on the Local Authority housing list.

Mr. M McEnery said that it had been necessary to completely strip down the house and this work took a considerable length of time.

Cathaoirleach Cllr. M Kennelly said that his concern is the length of time which it takes to reallocate a property that becomes vacant.



Mr. J Sheehan said that with regard to the repair of vacant houses, the Operations Health and Safety Directorate acts as a contractor for the Housing Department. An estimate of the cost of the repairs is prepared in as short a timeframe as possible and forwarded to the Housing Department for consideration.

### **Taking in charge of estates**

Cathaoirleach Cllr. M Kennelly said that he hoped the taking in charge process would proceed and that all issues would be resolved at Bruach na Gaille, Moyvane and in Kilmoyley South

Mr. J Sheehan said that there were a number of issues with regard to the taking in charge of the estate in Kilmoyley South which must be addressed, in particular surface water drainage. He undertook to prepare an estimate for the cost of the works.

Cllr. J Moloney asked if there is funding and resources available to carry out this work.

Mr. G Riordan said that separate budgets are provided by the Operations Health & Safety Directorate for maintenance work to roads and housing maintenance.

Cllr. J Brassil said that he is concerned that issues raised by the members would be missed due to unfamiliarity with the new directorate structures. He asked that the best use of resources be examined and implemented.

### **Hedge cutting**

Cllr. J Brassil said that compliance with the requirements of Section 70 of the 1993 Roads Act with regard to the cutting of hedges is very low. In his opinion the following solution should be considered - if a landowner does not take responsibility for the cutting of hedges on his/her lands, the Local Authority will carry out the work and charge the landowner accordingly.

Cllrs. J Moloney and R Beasley supported Cllr. Brassil's proposal.

Cllr. R Beasley said that he is aware of locations where signage is obscured due to the hedge cutting machine being unable to cut close to the signage.

Cllr. A Thornton suggested that the format of the annual letter should be amended to include a timeframe and the word "may" in the final paragraph should be replaced by the word "will" in bold font. An effective follow up letter should issue within a short timeframe.

Mr. G Riordan said that the annual letter is a reminder to the landowner of his/her responsibilities in accordance with Section 70 of the Roads Act 1993.. Following complaints and an inspection by Roads Enforcement Officer, Mr. S Barry a Final Notice is sent by registered post informing the landowner of the hazard and instructing them to carry out the necessary works within 21 days. They are also informed that if they fail to carry out the works within the time stated Kerry Council will carry out the required works and recover all costs in doing so, through the courts if necessary. In the last hedge cutting season, 54 final notices were sent out in the Listowel Area, and all were complied with.

Cllr. A Thornton asked if the work load of the Roads Enforcement Officer is possible for one person.

Cathaoirleach Cllr. M Kennelly said that while he acknowledged the workload of the Roads Enforcement Officer, in his opinion 54 final notices were not enough in the last hedge cutting season as some land owners never cut the hedges on their roadside lands.

Cllr. J Brassil said that the Roads Enforcement Officer has a huge remit and he PROPOSED that each Municipal District would assign a dedicated staff member to monitoring and enforcing hedge cutting throughout the Municipal District. He also said that the annual letter should be replaced by a warning letter as many land owners are ignoring their responsibility with regard to hedge cutting.

#### **(a) Notices of Motion**

**1. Cllr. L Purtill:** That Kerry County Council would immediately address the ongoing problem regarding flooding at the home of (Details with Directorate) who has suffered major damage to her home and no longer has insurance. This flooding is a new phenomenon. Her mother lived in this house and has never seen flooding.

**Reply:** We are currently in discussion with the named property owner and also other landowners, the properties of whom we believe to be a contributing source of excessive surface water discharge to the road network and we will agree a course of action to mitigate the probability of inundation to the stated property holder.

**Cllr. Purtill acknowledged this reply and said that the property owner concerned is pleased with the progress being made.**

**Mr. J Sheehan said that investigations are ongoing at the moment and he is hopeful that this problem will be addressed by the end of this year.**

**Cllr. R Beasley said that he hoped that the problem would be addressed and added that he would be willing to allocate funding from his County Councillors Allocations for this work if required.**

**Cllr. A Thornton supported the notice of motion.**

**2. Cllr. R Beasley:** That Kerry County Council provide a school bus shelter for the children of Marconi Park, Ballybunion.

**Reply:** The following is a breakdown of costs for the supply and erection of appropriate type bus shelters. No estimate for lighting is provided in the costing. Listowel Municipal District Operations does not currently have the finance to undertake this project.

Option 1: 5.0m x 1.5m Shelter – Price incl VAT €19,618.50 - Base 2.5m x 7.0m (17.5 sq m @ €80) €1,400  
Total Cost €21,018.50

Option 2: 4.0m x 2.0m Shelter - 3.0m - Perforated steel Bench Seat: € 650.00 - Price incl VAT €20,049.00 - Base 3.0m x 6.0m (18.0 sq m @ €80) €1,440  
Total Cost €21,489.50

**Cllr. J Brassil** said that he was aware that a bus shelter could be purchased for approximately €4,800.

**Mr. J Sheehan** said that he would not recommend using the type of bus shelter referred to by Cllr. Brassil. He advised that shelters made from perspex can be set alight, also, from previous experience Mr. Sheehan would not recommend the provision of bus shelters in housing estates.

**3. Cllr. R Beasley:** That Kerry County Council resurface the car park at Kilmore, Ballyduff and rebuild the wall where it was damaged in the recent storms.

**Reply:** Permanent repair of the rock armour sea defence in Kilmore will cost €8,000 or, alternatively, replacement of the sea defence with a concrete wall will cost €20,000 for the required 100m length. Repair of sections of the car park surface will cost €2,000. All these works are suitable for funding through a County Councillor's Allocation.

**Mr. O Ring** said that he would investigate the possibility of this work being funded from funding which has been applied for to repair infrastructure which was damaged by storms.

**Mr. G Riordan** said that the funding approved is specifically for the repair of public infrastructure.

**Cllr. R Beasley** asked that this matter be included on the agenda for the next meeting.

**4. Cllr. R Beasley:** That Kerry County Council take immediate steps to eliminate the potholes that are appearing in all roads in the Listowel Municipal District.

**Reply:** Road and Lighting faults can be reported to Listowel Municipal District Operations at Áras an Phiarsaigh, Listowel, Tel 068 21004, email: listowelao@kerrycoco.ie.

We would ask anyone with a specific complaint to contact us directly. Listowel Municipal District Area has 890km of roadway and 17 no. towns and villages. Given our available resources and the condition of our existing road stock we will endeavour, within the best of our ability, to undertake pre-emptive and responsive repair work within a diligent time frame.

**5. Cllr. R Beasley:** That Kerry County Council address a spring that is creating major problems at Doon East, Ballybunion on the main road between Tarbert and Ballybunion. It has been resurfaced on a number of occasions but the pothole keeps reoccurring and is a danger to motorists and pedestrians.

**Reply:** Kerry County Council are aware of this spring. Efforts are underway to investigate the possibility of a drainage outlet on the same side of the road. The sloping nature of the surrounding land renders this unlikely and the only alternative solution is to install a road crossing to drain the water to the downhill side of the road. Once a drainage route is established on the lower side of the road, Kerry County Council will revert to the member with a costing of the work, which may be funded through a County Councillor's Allocation. The drainage situation on this

segment of roadway is exacerbated by 'run off' from private lands onto the road on its southern flank.

**6. Cllr. R Beasley:** That Kerry County Council do remedial work to the wall around Killeen Churchyard in Kilmore, Ballyduff.

**Reply:** These works are underway and should be complete within the week.

**7. Cllr. J Brassil:** That Kerry County Council would implement emergency coastal protection works on front of the properties of (Details with Directorate) Ballyheigue, as it now poses a very dangerous situation.

**Reply:** Long term protection works are required at this location to ensure the viability of the access laneway to the houses. The houses are private and the laneway is not in the charge of Kerry County Council. Temporary remedial works to complement the existing sea defences for a length of approximately 50m will cost in the region of €7,500 – €10,000 depending on ease of access.

Listowel Municipal District Operations does not have the finance to undertake these works presently and there is currently no source of funding available to us.

**Cllr. J Brassil said that excellent work had been carried out at this location when the storm wall was repaired.**

**Mr. J Sheehan said that currently there is no source of funding for this additional work.**

**8. Cllr. J Brassil:** What is the current position with the works to be carried out outside at the property of (Details with Directorate).

**Reply:** Kerry County Council have, in the recent past, installed a further roadside gulley trap to alleviate residual flooding, if the original trap is inundated. We are not aware of the original gulley grate failing to cope with surface-water at any time in the past. The house in question is positioned significantly under the level of the public roadway. There is also a concrete channel in place fronting the house which appears to be serving its function satisfactorily.

This house has suffered a flooding incident in recent years when a object blocked the mouth of a drainage culvert to the rear of the property. This is unconnected to the drainage at the front of the property, contiguous with the public roadway. This 'blockage' occurred on private property and the house owner has been advised to liaise with the property owner with regard to the cleaning of the open drain and the installation of a steel grid to prevent a future blockage of the culvert.

This area was examined during a recent a period of high intensity rainfall and no ill effects vis-à-vis surface-water were noticed. The current pre-cast channel and gulley traps were performing their functions.

However, if finance becomes available next year, we will consider extending the concrete channel to the nearby road junction and next gully trap.

**9. Cllr. J Brassil:** What is the current position regarding the works to be carried out outside the property of (Details with Directorate).

**Reply:** The yard is significantly under the level of the road and does not have a satisfactory drainage outfall. Kerry County Council have examined the location and will open a number of roadside drainage inlets on the village side of the property to prevent surface water reaching the yard. This work should be undertaken before the end of the year.

**10. Cllr. J Brassil:** What is the current position of works to be carried out outside the property of (Details with Directorate).

**Reply:** We are currently in the process of investigating this issue.

**11. Cllr. L. Purtill:** That Kerry County Council would straighten the timber fencing beside Ballincrossig School. The recent storm has blown this fencing towards the road and it is a danger to road users and school children.

**Reply:** The maintenance and repair of the roadside fence is the responsibility of the property owner. Kerry County Council have examined the fence and are satisfied that, in its present condition, it poses no danger to school children or other road users.

**Mr. M Griffin said that this fence is the responsibility of the land owner.**

**12. Cllr. L. Purtill:** That Kerry County Council would address the flooding on the road near the entrance to (Details with Directorate). I called to this location on 3<sup>rd</sup> November and saw severe flooding to his property. There were several inches of water flooding the out offices. This problem needs to be solved immediately.

**Reply:** Following a meeting on site between the Area Engineer, Roads Enforcement Officer and the landowner in question, Kerry County Council carried out works to reopen an existing gully. However, works are still required to be done by the landowner, and the Roads Enforcement Officer is finalising/negotiating the completion of these works.

**13. Cllr. L. Purtill:** That Kerry County Council would repair the footpath outside the Post Office in Tarbert.

**Reply:** These works have been completed.

**14. Cllr. L. Purtill:** That Kerry County Council would raise the road beside a manhole at Kilpadogue, Tarbert. This manhole is now protruding because the road surrounding this manhole has sunk and it is a danger to school buses and cars. I have already asked Kerry County Council re this problem. This manhole is in the middle of the road and Tarbert Comprehensive School have asked me to report this to Kerry County Council.

**Reply:** Temporary repairs have been undertaken at this location. The Operations Department are in discussions with the Irish Water 'Capital Projects Unit' with regards to a permanent solution.

**15. Cllr. M. Kennelly:** That Kerry County Council resurface the road from Ballylongford Village to the entrance of the landbank area known locally as the "Low Road" immediately.

**Reply:** A segment of the L1010 is scheduled for Restoration Improvement (Strengthening Overlay) works starting at the Crossroads in Ballylongford next year. The proposed overlay will not encompass the totality of your request and the quantity of works to be undertaken in 2015 will be dependant on the level of grant aid available. The remainder of the roadway is not suitable for inclusion on a Restoration Maintenance (Surface Dressing) programme, for technical reasons, however it may be considered for overlay at a future date, funding permitting.

**Cllr. M Kennelly welcomed this response.**

**16. Cllr. M. Kennelly:** That Kerry County Council resurface the road L0031/0 in the Townland of Ballyline West known locally as "Cox's Road. This road is in a deplorable state and needs work carried out immediately.

**Reply:** The L1031 Ballyline to Graffa Road has been included on the Restoration Programme for 2016. The quantity of works to be undertaken will be dependant on the level of grant aid available.

**17. Cllr. M. Kennelly:** That Kerry County Council, as a matter of Health and Safety, complete the fencing in Ballygologue Park to the rear of the estate which connects to Baile Dubha as this access point is leading to anti-social behaviour in both estates.

**Reply:** The boundary between the open green area in Ballygologue Park and the cul-de-sac in Baile O'Dubhda (No 22 - 23) is delineated with a wall, which on the Baile O'Dubhda side has an average height in excess of 2.0m, but considerably less on the Ballygologue side. A standard light column sits on one side of the centre part of the wall. There is evidence of pedestrian activity in the green verge contiguous with the wall on the Baile O'Dubhda side of the boundary. Erecting an 'anti-climb' or palisade fence might temporarily arrest the access, but, in my experience, static defences do not work for long against a determined protagonist. Furthermore a fence of this sort is visually obtrusive and would not sit well in the specific environment.

The cost of providing a fence would be €6,000 and this should be 'backed up' with the planting of *Berberis Thunbergii*, the cost of which would be an extra €750 - €1,000.

As Baile Dubha is a Respond Development, the Kerry County Council Housing Department has been in contact with Respond Housing Association with regard to the erection of appropriate fencing between both housing developments. It is

considered the cost should be shared between Respond and Kerry County Council. Kerry County Council Housing Department are awaiting a response from Respond in relation to the matter.

**Cllr. M Kennelly said that he had been made aware that there had been incidents of anti social behaviour at this location recently.**

**Cllr. J Moloney SECONDED the notice of motion.**

**18. Cllr. M. Kennelly:** That Kerry County Council carry out a traffic survey at the traffic light junction at Ballygologue Cross on the John B Keane Road as this junction is a traffic hazard. There are two estate exits leading directly onto the lights. Immediate traffic measures will need to be taken here before a serious accident occurs.

**Reply:** There have been two recorded accidents at this location in the last 10 years. The reason for the accidents are unrelated and were not associated with the housing estate exits. If there is a specific issue at the junction it can be investigated further.

**Cllr. M Kennelly said that the traffic lights are not operating satisfactorily at this location.**

**Cllr. J Moloney SECONDED the notice of motion.**

**19. Cllr. M. Kennelly:** That Kerry County Council request the NRA to attend and explain to the Listowel Municipal Area why the main thoroughfare (William Street) is now in a horrendous state and to also explain why funds cannot be sourced for resurfacing this road.

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

**Cllr. J Moloney SECONDED the notice of motion.**

**It was agreed that the resolution would be referred to the NRA.**

**20. Cllr. M. Kennelly:** That Kerry County Council carry out immediate remedial works on the Dromerin Road leading onto Lisselton Cross. The sloughs on this road are making driving conditions extremely dangerous.

**Reply:** Funding for reconstruction of this section of road is unavailable. Kerry County Council will erect advance warning signs to alert motorists of the undulating nature of the road and to urge caution.

**Cllr. M Kennelly said that this road has completely disintegrated.**

**Cllr. R Beasley agreed and said that this stretch of road is in a very dangerous condition.**

**Mr. J Sheehan acknowledged Cllr. Kennelly's concern and said that funding for reconstruction of this section of road is not available at present.**

**21. Cllr. M. Kennelly:** That Kerry County Council carry out remedial works on the Clounmacon Road leading onto Curtin's Cross where the road has become quite dangerous.

**Reply:** Repair works have been undertaken on this stretch of roadway.

**22. Cllr. M. Kennelly:** That Kerry County Council carry out immediate works on the Dromclough Road directly off the N69 at the speed limit sign.

**Reply:** This section of road has been included on the Repair Register and will be addressed as soon as resources permit.

**23. Cllr. R. Beasley:** That Kerry County Council open the inlets into the drain on the left hand side in Lower Knoppogue, Ballyduff as you go down to The Cashen as the houses at the other side of the road are being effected by the flood water.

**Reply:** Kerry County Council will undertake skirting and drainage at this location.

**Notice of Motion No. 24 was moved by Cllr. A Thornton in conjunction with the Sustainable Communities and Quality of Life Directorate.**

**25. Cllr. A. Thornton:** That Kerry County Council reassess the property of (Details with Directorate) in relation to works to the lady's roof.

**Reply:** One repair request is currently open on this property about roof tiles. This is an old property and it has proved difficult to source the exact type of roof tile requiring replacement. We have identified a supplier and should be in a position to undertake repairs to the roof in the near future. The Clerk of Works will maintain contact with the householder to advise of progress.

**26. Cllr. A. Thornton:** That Kerry County Council provide a timeframe for fascia and soffit works to Council houses in Listowel.

**Reply:** There are two current repair requests from a total stock of three hundred and twenty (320) Council properties in Listowel. It is the responsibility of the tenant to maintain the soffit and fascia in good order. To undertake the requested works to all local authority properties would cost in the region of € ¼ million. Given a complaint ratio of 0.63% in this particular year, it is perhaps not an area where we should be concentrating resources, especially given that it is the specific responsibility of the tenant to maintain the soffit and fascia. However, if funds become available, a programme of works could be undertaken in Listowel on the oldest of the housing stock.

**27. Cllr. A. Thornton:** That Kerry County Council assess the road at the property of (Details with Directorate) which has flooded on many occasions. Such flooding has come very close to the property of (details with Directorate) and they are very fearful of what may occur this winter with heavy rainfall.

**Reply:** There is a 'soak-way' in existence fronting the property. There is no other avenue for drainage of the area. The 'soak-way' does not function effectively in times of high tide which causes the underlying sand to be saturated. As soon as a



high tide recedes the drainage is once more effective. Kerry County Council are of the opinion that there is no threat of inundation to the house in question.

**28. Cllr. A. Thornton:** That Kerry County Council confirm the budget for roadworks in the Listowel Municipal Area, i.e. whether the total budget for these works is under the GMA?

**Reply:** The Budget (adopted 17<sup>th</sup> November 2014) has been prepared on the basis of the 2014 allocations. A detailed Roads Works Programme will be considered further at the Special Roads Meeting when the actual allocations have been received.

**29. Cllr. A. Thornton:** That Kerry County Council write to landowners of Knockundervaul, Duagh whereby the hedges are growing approximately 6 feet on to the road causing a serious danger to drivers. The part of the road is more particularly approximately one mile from the village and continues for approximately 200 metres.

**Reply:** Refer to report on Tree/Hedge Cutting by Gerry Riordan S.E (refer Director of Operations, Health & Safety Report).

**Reply:** This Notice of Motion has been forwarded to the Roads Enforcement Officer.

**30. Cllr. A. Thornton:** Can Kerry County Council provide me with a list of roadworks completed this year to date?

**Reply:**

**Listowel Municipal Town Area**

Road Reconstruction	Ballybunion Road
Road Reconstruction	Laneway parallel to William Street
Footpaths	Ballygologue Park
Footpaths	Gurtinard
Car Park	Presbytery Car Park redevelopment

**Listowel Municipal Rural Area**

**Restoration Improvements**

**Road No.**

R553	Curraghatoosane – galey bridge
R551	Ballyduff Village
L1034	Ballinorig - Causway
L10466	Leampreaghane – Stack's Mountain
L10006	Astee
R551	Ballynoe - Causway
R551	Curraghderrig West – Curraghderrig East

**Restoration Maintenance**

**Road No.**

R555	Ballinruddery Listowel
R551	Ballyheigue Village

L10102	Keel Rd, Lixnaw
L6066	Rathea - Bunglasha
L1024	Smearla Bridge to Derrindaff
L1021	Moyvane - Tarmons
L6076	Ballyrehan - Kilflynn
L6085	Ballylongane - Maulin
L1029	Killahan - Ballymacquin

Apart from the above, a number of Medical/Hardship & Emergency (LIS) and Retro CIS works were undertaken, a list of which is available from the SEE Listowel Municipal District Operations.

**31. Cllr. D. Nolan:** That the Bridge Road entrance to Listowel Town Park and Community Centre use both gates, one as an entrance and one as an exit for vehicles.

**Reply:** Opening the second gate at this location would not be effective and would create a heightened traffic hazard as vehicular traffic entering and exiting may on occasion have to cross 'mid roadway'. Ideally the existing vehicular entrance should be widened to accommodate two way traffic, however this would detract from the visual impact of the existing Town Park entrance. A 'yield' sign on the exit approach, indicating a give way to traffic entering the amenity will be provided at this location requiring traffic exiting the park to yield to traffic entering the park.

**32. Cllr. D. Nolan:** That Kerry County Council repair the fencing on the approach to Craughderrig Cross, Asdee bordering the lands of (Details with Directorate) as there is a deep drain inside this.

**Reply:** The maintenance and repair of the fence is the responsibility of the landowner.

**33. Cllr. D. Nolan:** That the section of laneway at the back of houses 65-68 O'Connell's Avenue be cleared and brought to the standard of the rest of the laneway as its current condition is attracting fly-tipping.

**Reply:** This work will be completed by the end of the year

**34. Cllr. D. Nolan:** That Kerry County Council place a drain outside the home of (Details with Directorate) to alleviate flooding from uneven road surface.

**Reply:** The required works will cost €2,000 and they are suitable for funding through a County Councillor's Allocation.

**Mr. J Sheehan undertook to prepare an estimate for this work.**

**35. Cllr. D. Nolan:** That Kerry County Council continue the public lighting on Dromin Hill to the speed limit and end of footpath at the entrance to The Writings.

**Reply:** The required works would consist of the erection of 5 no. x 10m light standards with 1.5m outreaches and appropriate lanterns and mechanisms. The

cost of this, including facilitating civil works, is €13,750. A new network connection inclusive of mini-pillar is not included in this estimate but this would not be less than €2,500. Finance for this project is currently unavailable.

**36. Cllr. D. Nolan:** That Kerry County Council repair the railings on the "Wooden Bridge", Coolaclarig, or forward to the relevant authority, as it is in a very dangerous condition.

**Reply:** The repair of the railings will cost €5,000 and these works are suitable for funding through a County Councillor's Allocation

**Mr. J Sheehan undertook to prepare an estimate for this work.**

**37. Cllr. D. Nolan:** That Kerry County Council examine the erection of a private fence at (Details with Directorate) as it is disputed to be on Council land.

**Reply:** The fence has been erected by a contractor engaged by Kerry County Council to tackle the Japanese Knotweed on this site. The erection of a fence surrounding the treated area was a requirement of Kerry County Council.

**38. Cllr. R. Beasley:** That Kerry County Council take immediate action to eliminate the flooding on the lower section of Marion Crescent, Doon Road, Ballybunion where a number of elderly residents can't come out of their homes when heavy rain occurs.

**Reply:** Kerry County Council are aware that surcharge of the pipe network has occurred in times of heavy rainfall. We will engage a specialist contractor to investigate and survey the existing storm drain network to ensure that no blockages or restrictions exist. Kerry County Council will liaise with the Elected Member with their findings.

## **(b) Questions**

**1. Cllr. M. Kennelly:** What is Kerry County Council's update on the installation of speed ramps in Dromin Green Estate in Listowel?

**Reply:** The issue has been referred to Road Design for consideration, however given the workload of the Design Team, this request may not be considered for a long period of time, if at all. It is my considered opinion that the design criteria for the inclusion of ramps within this estate will not be met.

You are aware of a new Government initiative to examine speed restrictions within housing estates to improve safety for pedestrians and cyclists and the adoption of restricted speed limits, in consultation with residents, should be the first response to the request for speed control measures within housing estates.

An advert has been placed this week in a local newspaper seeking expressions of interest from Residents' Associations. All requests have to be submitted in writing or by email by Friday, 19<sup>th</sup> December, addressed to the Administrative Officer,

Operations Department, Room 115, Kerry County Council, County Buildings, Rathass, Co Kerry or emailed to [roads@kerrycoco.ie](mailto:roads@kerrycoco.ie).

Attached is a copy of a reply to a similar request for the October Listowel Municipal District Meeting and I have further appended a Notice of Motion which you submitted to the November meeting of Kerry County Council and the reply thereto.

**"Reply - October - Listowel Municipal District Meeting**

*This issue has been referred to the Road Design Office for assessment.*

*We have, as yet, not received a determination from the Road Design Office on the matter. We undertake to revert to the Listowel Municipal District meeting when a report is received.*

**Notices of Motion Operations and Reply - Kerry County Council - November 2014**

**Cllr. M. Kennelly**

*"That this Council welcomes Circular RSD 01/2014 on the control of Vehicle Speeds in Housing Estates, issued by Paschal Donohoe TD, Minister for Transport, Tourism and Sport, to all Local Authorities (following his meeting with the 'Jake's Legacy Campaign') requiring an examination of speed limits in residential areas and housing estates to improve road safety for cyclists and pedestrians, especially children; and requests the Chief Executive, in line with the circular, to initiate consultation with residents across our County with a view to determining the need for new Bye-Laws for 30 km/h limits for residential estates and additional selected safety zones."*

**Reply November Kerry County Council Meeting**

*This Circular was issued to local authorities on the 15<sup>th</sup> October 2014 (copy attached). The purpose of this Circular is threefold:*

- To advise local authorities of the results of the recent survey in respect of the numbers of housing estates which have ramps and 30 km/h speed limits, from all local authorities that responded to the survey*
- To reiterate the existing policy regarding traffic calming procedures for housing estates and on streets and roads in Ireland and*
- To request local authorities to undertake a review process of speed limits in housing estate so that the Executive and the Elected Members can decide if existing limits are appropriate to ensure a safe environment, particularly for children.*

*In relation to the provision of new measures to reduce vehicle speeds in estates and residential areas, the Minister has advised that the Department is updating its guidance to take account of best practice and, in particular, it should be noted that the Speed Limit Guidelines are currently being updated and are due to be issued before the end of this year. The purpose of Department's policy framework is to guide local authorities in assessing what actions can best deliver safety improvements in residential areas – the measures selected will depend on the particular location and local authorities need to have the flexibility to make decisions that take account of local conditions.*

*As previously agreed with Council, this information will assist the Operations SPC in developing a policy for the provision of speed control measures in residential estates.*

*The Department has also recommended the use of a combination 30 km/h speed limit sign, in conjunction with a yellow warning sign showing "children at play" at the entry to a housing estate. This should increase awareness for drivers entering an estate of the need to reduce speed and show that there may be children at play in the estate. It would also provide consistent signage in estates nationally.*

*There will be a need to compile lists of estates where it is considered that the use of the new combination sign would be a suitable approach (that is, in estates where existing speed are too high). In this regard the definition of a housing estate is "a self contained grouping of houses with single or multiple entry points for vehicles , often with green areas or play areas associated with them". Small estates with short lengths of road may not require such measures, as the effectiveness is very limited.*

*To assist in compiling this list we will advertise the proposal within the next month, seeking the views of residents if they believe that their estate should be considered for such treatment. We will also consult with the members at Municipal District level in compiling the list.*

*The Department have advised that the cost of erecting such signage can be submitted for funding under the 2015 Low Cost Safety programme. Where estates are considered suitable for these measures, it will be necessary to prioritize applications having regard to criteria which can be developed in conjunction with the Operations SPC.*

*Where funding is provided, and it is considered appropriate to apply these special speed limits, Bye-Laws will be developed, in accordance with current statutory provisions."*

**Mr. J Sheehan** said that as stated in the reply this request has been referred to Road Design for consideration and in his opinion the design criteria for the inclusion of ramps within this estate will not be met in this case.

**Mr. Sheehan** referred to the provision of a pedestrian crossing in Moyvane and said that that the construction of a pedestrian crossing would sterilise all the parking spaces outside the supermarket.

**Cllr. D Nolan** asked if road markings similar to those in the vicinity of schools could be considered.

**2. Cllr. M. Kennelly:** Can Kerry County Council give an update on speed ramps to be installed at the rear entrance of Upper William St, Listowel.

**Reply:** As per reply to Question 1.

**3. Cllr. M. Kennelly:** Can Kerry County Council give an update on traffic calming measures and the installation of speed ramps in the Meadow Lane Estate, Ballyduff?

**Reply:** As per reply to Question 1.

**4. Cllr. M. Kennelly:** What is Kerry County Council's update on the progress of installing a pedestrian crossing in William Street, Listowel opposite the Post Office?

**Reply:** The issue has been referred to Road Design for consideration, however given the workload of the Design Team, this request may not be considered for a long period of time.

**Mr. M Griffin said that the Road Design office has prepared a proposal regarding the provision of a pedestrian crossing at Sheriffs Corner in Listowel. Cathaoirleach Cllr. M Kennelly said that the location mentioned in his notice of motion is further up the street in the vicinity of the post office.**

**Mr. J Sheehan said that it is more appropriate for a pedestrian crossing to be installed at a junction.**

**Cllr. A Thornton referred to the workload of the road design team as outlined in the reply and asked if writing to the Road Design Office to request a timeframe for replies, could be considered..**

**Mr. J Sheehan said that Mr. P Neary SEE is currently preparing a report for Senior Management concerning this matter.**

**5. Cllr. M. Kennelly:** That Kerry County Council investigate the public lighting at Beechgrove Estate in Cahirdown, Listowel where three of the estate lights are only working from the entrance. This is leading to poor visibility and safety of residents.

**Reply:** No complaint was received in relation to this issue. Road and lighting faults can be reported to Listowel Municipal District Operations at Áras an Phiarsaigh, Listowel, Tel 068 21004, email [listowelao@kerrycoco.ie](mailto:listowelao@kerrycoco.ie).

The following protocol in relation to reported lighting faults is established within the Listowel Municipal Area.

- A logging system of received complaints is kept at the Listowel Municipal District Office.
- All lighting defects, for which Kerry County Council has responsibility, will be notified to our service provider immediately.

Eight of the eleven lanterns in this Beechgrove Estate are non- functional. A request for repair has been forwarded to our service provider, unfortunately due to an unusually high number of faults around the County our repair contractors are somewhat behind schedule. We hope to have the lighting at Beechgrove Estate fully operational within the next 10 working days.

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

**6. Cllr. A. Thornton:** That Kerry County Council reassess the flood issues at the property of (Details with Directorate) as his property has been seriously threatened by past heavy rainfall and he is fearful of what may happen this winter in the event of heavy rainfall. I believe that a report of Sean Harrington exists re the issue.

**Reply:** We believe that the problem here has been caused by lack of maintenance to an upstream drainage system, where a pipe has been either restricted or blocked by debris. This drainage pipe is on private property. During a period of intense rainfall, surface water from the area of blockage issued forth onto the roadway causing an issue for named property.

Consideration had been given to laying a pipe across the road to ameliorate the possibility of flooding at this particular point, however, the 'downstream' pipe network is of insufficient capacity to cater for further surface water.

The immediate remedy is for your client to ask his neighbour to maintain the upstream drainage pipe in an unobstructed manner.

**7. Cllr. A. Thornton:** That Kerry County Council consider water channels for Knockundervaul, Duagh and more particularly the road that is close in proximity to the properties of (Details with Directorate).

**Reply:** Kerry County Council will monitor surface water escaping from a private road in the vicinity of Property A and will initiate enforcement proceedings if appropriate.

There is a storm water pipe fronting Property B which has a number of gully gratings connected. Kerry County Council will undertake minor works at the mouth of this pipe to increase the volume of surface water captured.

## **7. Date for next meeting**

(a) On the PROPOSAL of Cllr. J Brassil SECONDED by Cllr. R Beasley it was agreed that the next meeting of the Municipal District of Listowel would be held on 9<sup>th</sup> February, 2015 at 10.00am.

## **8. Listowel Heritage Steering Group**

Mr. TJ Mahony Heritage Officer made a presentation to the meeting as follows:

### **National Historic Towns Initiative:**

The Historic Towns Initiative is a joint undertaking by the Department of Arts, Heritage and the Gaeltacht, The Heritage Council and Fáilte Ireland who have come together to promote the heritage-led regeneration of Ireland's historic towns. It is spearheaded at a local level by the relevant Local Authority. The Initiative contends that the cultural heritage of historic towns can be used to create a desirable place in which to live, do business and visit. With adequate leadership and vision it is

believed that this initiative can also help generate economic benefits that will enable the historic town to prosper, such as increased visitor numbers and decreased numbers of vacant buildings and commercial premises. The 3 year pilot phase under the Historic Towns Initiative (2012 – 2014) saw Listowel along with two other initial towns – Westport, County Mayo and Youghal, County Cork – chosen to provide, variety in terms of their geographical locations, their form and evolution, and their heritage.

#### **Listowel Pilot:**

To date the initiative has been overseen at a local level by David O'Brien (former Town Clerk), Michael Mills (former Town Planner) and Kerry County Councils Heritage Officer Una Cosgrave (former) / TJ Mahony (current). The current and newly appointed project leader is Joan McCarthy SEO of KCC's Tourism Development and Built Infrastructure Unit. In 2013 Listowel Town Council and the Department of Arts, Heritage and the Gaeltacht provided a combined allocation of approximately €100,000 for town improvement works associated with the Initiative.

In 2014 the Department of Arts, Heritage and the Gaeltacht, The Heritage Council and Kerry County Council intend to provide a combined allocation of approximately €25,000 to facilitate the formulation and production of "The Listowel Heritage and Community Led Regeneration Strategy 2015-2020".

- **Securing Heritage Town Initiative 2015 Funding**

The Heritage Town Initiative pilot scheme is to be extended. An estimated three to six new towns are to become involved in 2015. According to Heritage Council contacts, the expected, but unannounced 2015 DAHG funding allocation for the National Heritage Town Initiative is between €1,000,000 and €1,500,000. An excessively delayed or substandard Listowel Heritage Strategy would severely diminish Kerry County Councils availability to tap into this new source of funding for projects identified by the Heritage Strategy to be produced by Listowel.

A project Steering Group of approximately 12 members, to progress the strategy, is to be established. It is proposed that three members of the Municipal District of Listowel will be nominated to the steering group.

It was unanimously agreed that Cllrs. J Moloney, A Thornton, and D Nolan be nominated to the Listowel Heritage Steering Group.

#### **The meeting concluded at 2.10pm**

Gerard O'Brien  
**Gerard O'Brien**  
**Meetings Administrator**

Cllr. M. Kennelly  
**Cllr. M. Kennelly**  
**Cathaoirleach of Listowel**  
**Municipal District**