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MINUTES OF THE MEETING OF THE MEMBERS OF THE MUNICIPAL DISTRICT OF LISTOWEL HELD IN ÁRAS AN PHIARSAIGH, LISTOWEL ON 13TH JULY, 2015.

MIONTUAIRISCÍ NA CRUINNITHE DE CHEANTAR BARDASACH LIOS TUATHAIL A THIONÓLADH IN ÁRAS AN PHIARSAIGH, LIOS TUATHAIL, AR AN 13 IÚIL, 2015

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

Mr. JD Flynn	Delegated Executive for the MD of Listowel
Ms. J Foley	Listowel MD Officer
Ms. B Reidy	Meetings Administrator
Mr. D Doyle	SE
Mr. J Sheehan	SEE
Mr. E Scanlan	SEE
Ms. T Smith	SEE
Mr. C Mangan	SEE
Mr. L Quinlan	SEO
Mr. M Griffin	EE
Ms. L Sexton	EP
Mr. M McEnery	EE
Mr. T O'Connor	SO
Mr. TJ Mahony	Heritage Officer
Ms. N O'Mahony	EPT Officer
Ms. S Broderick	SO

The meeting commenced at 3.20pm.

15.07.13.01(a) Confirmation of the Minutes

(a) On the PROPOSAL of Cllr. L Purtill, SECONDED by Cllr. D Nolan it was agreed that the Minutes of the meeting of the members of the Municipal District of Listowel held on the 25th May, 2015 be confirmed.

(b) On the PROPOSAL of Cllr. M Kennelly, SECONDED by Cllr. D Nolan it was agreed that the Minutes of the Special Meeting of the members of the Municipal District of Listowel held on the 14th May, 2015 be confirmed.

(c) On the PROPOSAL of Cllr. J Brassil, SECONDED by Cllr. L Purtill it was agreed that the Minutes of the Annual Meeting of the members of the Municipal District of Listowel held on the 22nd June, 2015 be confirmed.

15.07.13.01(b) Business prescribed, by Statute, Standing Orders or Resolutions of the Municipal District Members for transaction at such meeting.

Taking in Charge of road within Ladywell Estate, Ballyheigue

Mr. D Doyle briefed the members on the following report which was circulated.

**KERRY COUNTY COUNCIL/COMHAIRLE CHONTAE CHIARRAI
Report Prepared Pursuant to Section 11 of the Roads Act 1993**

Locations of Roads to be Taken In Charge:

Ballyheigue, Co. Kerry - Road from its junction with R551-493 to all terminal points within the estate Ladywell, Ballyheigue, Co. Kerry **Map 10** (serving 28 houses).

Total Length of road to be Taken in Charge: - 416m

Background:

Pursuant to Taking in Charge Policy, adopted by the Council in June 2008 and the recent Memorandum of Understanding and Protocol with Irish Water, it is proposed to take this roadway in charge.

Statutory Procedures:

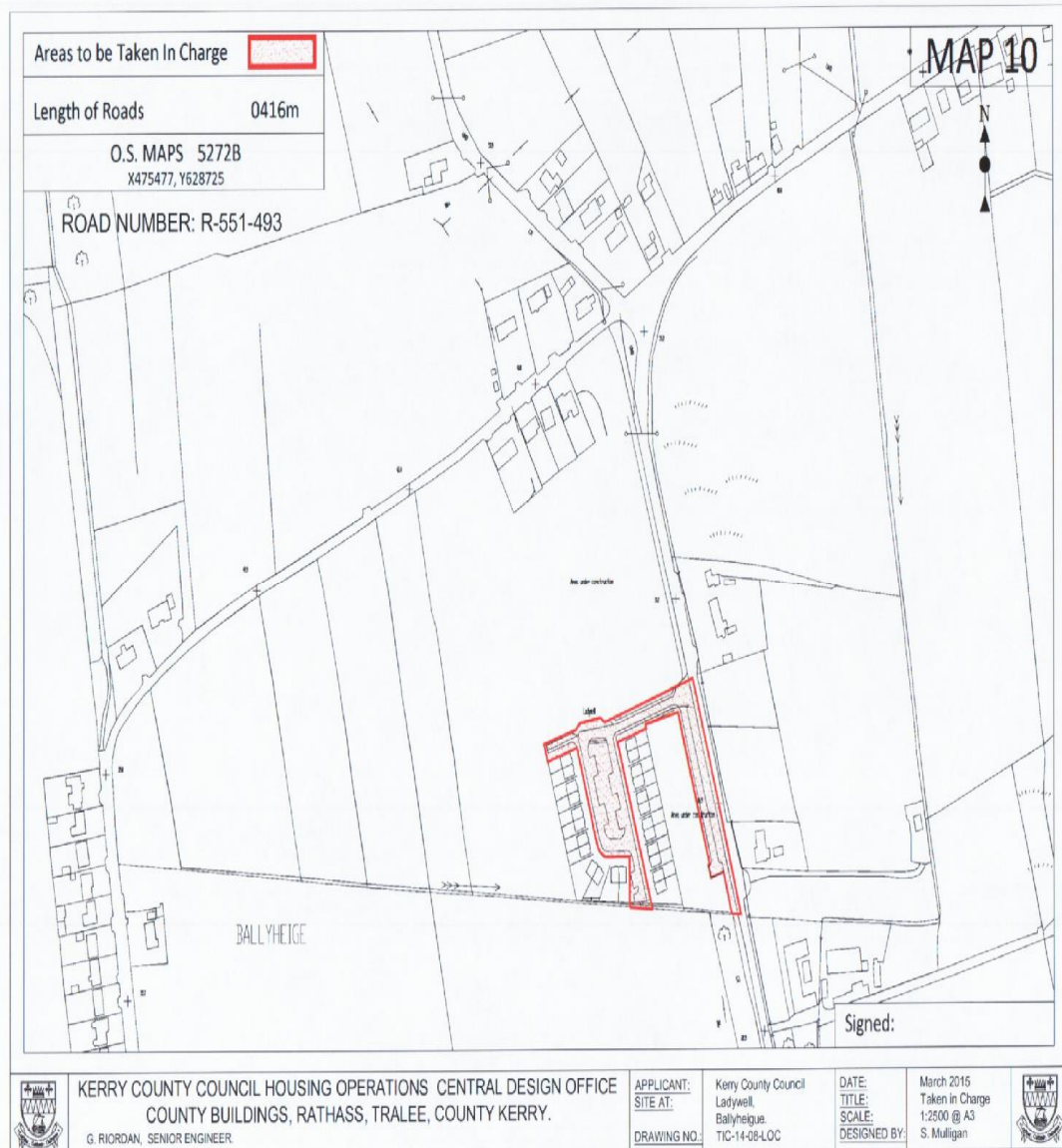
In accordance with Section 11(b)(iii) of the Roads Act 1993, a Notice of Intention to declare as a public road, the road in Ladywell, Ballyheigue, Co. Kerry was published in The Kerryman Newspaper, issue date 29th April 2015.

Persons or Bodies who made objections or observations within the prescribed period:

No objections or observations were received within the prescribed period.

I recommend that the road be taken in charge.

David Doyle
Acting Director of Operations Health & Safety



Cllr. J Brassil PROPOSED that the road in Ladywell be declared a public road. He commended the work of Mr. D Murphy SEE and the staff of the Estates Unit on the transformation of this estate from a ghost estate to an estate which is now substantially occupied. He said that he is aware that the developer of this estate had paid significant development levies for development that did not go ahead on land that has since been rezoned and he may request a refund of the relevant levy.

Cllr. R Beasley SECONDED the proposal.

On the PROPOSAL of Cllr. J Brassil SECONDED by Cllr. R Beasley it was agreed that an Order be made declaring the road in Ladywell, Ballyheigue, from its junction with R551 . 493 to all terminal points within the estate Ladywell, in Ballyheigue to be a public road pursuant to Section 11 (2) (i) of the Roads Act 1993, in accordance

with the Local Government Act 2001 (as amended) and having regard to Section 180 of the Planning and Development Act 2000 in relation to the taking in charge of estates.

Mr. L Quinlan informed the meeting that Kerry County Council is currently working with Irish Water on the processing of applications for the taking in charge of four additional estates in the Listowel Municipal District.

Cllr. M Kennelly moved Question 4 on page 17 as follows:

4. Can Kerry County Council give an update on the taking in charge of The Writings Estate in Listowel?

Reply: A Taking in Charge application has been received from the residents of the Writings Estate, Listowel.

A Claim letter was sent to the bondsman on 17/12/2012 for " 195,798.85, before the bond expired, but to date this has not been paid up.

The outstanding issues need to be addressed prior to this estate being taken in charge.

Cllr. J Brassil asked for an update with regard to the taking in charge of the Cloisters Estate in Abbeydorney.

Mr. L Quinlan undertook to follow up on this matter and to revert to Cllr. Brassil.

15.07.13.02 Job Creation / Sustainable Economic Development Directorate (a) Update on Listowel Bypass.

Ms. T Smith briefed the members on the proposed Listowel Bypass as follows:

What needs to happen prior to publication of CPO/EIS:

The following documents need NRA Approval: EIS, CPO, Design Report incl. documentation such as Junction Strategy, Road Safety Assessment, Road Safety Audit etc

Project Appraisal Documentation including Scheme Business Case . needs to be submitted to Central Expenditure Evaluation Unit (CEEU) of DPER.

Current position:

Preferred route option has been selected and necessary documentation for approval to publish EIS/NIS/CPO is being finalised.

The NRA have this week completed their review of the Project Appraisal Documentation and it is now being prepared for submission to DPER (Central Expenditure Evaluation Unit - CEEU)

Final Draft of EIS has been received from our Consultants, Jacobs Engineering Ireland Ltd. A number of reviews, including Senior Counsel and NRA will now take place to ensure that submission is as robust as possible.

The CPO documentation has been submitted to Senior Counsel for checking for compliance with legislation.

The Design Report will be submitted for NRA approval once the EIS finalised.

Programme

It is expected that documents will be finalised by end of August and submitted to NRA for approval.

However, publication of the CPO/EIS cannot proceed until approval is received from DPER (CEEU)

Cllr. J Moloney thanked Ms. Smith for her report and asked if the CPO process will commence before the end of 2015. He said that taking traffic out of the town centre is crucial to the development of Listowel as a Heritage Town.

Ms. Smith said that the NRA is progressing this project and CPO documentation is currently being examined by Senior Counsel for compliance with legislation.

(b) Update on Great Southern Trail

Mr. E Scanlan briefed the members on progress on the development of the Great Southern Trail as follows:

Process:

- Transfer of line to KCC . Land Transfer Drawings with CIE for review & approval
- First Registration . will follow land transfer from CIE
- Declaration from An Bord Pleanála in relation to the need for an EIS.
 - Preliminary design drawings . minor preliminary works completed
 - EclA. minor preliminary works completed
 - Appropriate Assessment Screening . Not undertaken
 - Archaeology Impact Report - minor preliminary works completed
 - Agri report . Not undertaken
 - Traffic - Not Undertaken
 - Safety
 - Construction
 - Operation
 - Flood Risk Assessment . Not Undertaken
- If an EIA is required
 - Tender
 - Prepare EIS
 - Appropriate Assessment Screening
 - Prepare detailed drawings
 - Finalise planning documentation to make a Part X application to An Bord Pleanála.
- If an EIA is not required
 - Prepare detailed drawings
 - Appropriate Assessment Screening
 - Finalise planning documentation and proceed with Part 8 procedure.
 - Reserved function and decision at MD level

Cllr. D Nolan referred to the provision of ducting on the line and asked for the approximate distance for which the ducting is required.

Mr. Scanlan said that CIE requires that ducting be provided on the entire North Kerry line. When ownership of the land has been finalised, the provision of ducting will then be examined.

Cllr. R Beasley asked why the land transfer process is taking so long.

Mr. Scanlan said that mapping of the property had to be undertaken. This has now been completed by Kerry County Council and the documentation has been sent to CIE for review and approval.

Mr. Scanlan said that immediate progress is not likely at present with regard to the North Kerry line as Kerry County Council does not have the resources required to fund this project. However, ownership of the property is significant. Funding for the development of the line in South Kerry has been committed and the Council must concentrate on progressing that development.

(c) Notices of Motion

As Cllr. A Thornton was not present at that stage, Notice of Motion No. 1 was moved by Cllr. M Kennelly on her behalf.

1. Cllr. A Thornton: Can the Council confirm if any commitment is to be made to the Munster Fleadh Committee in terms of support for the event.

Reply: Ms Jean Foley Municipal District Officer, is currently working with the Munster Fleadh organising committee in relation to the requirements re increased services required on the ground and the logistics around same. The financial cost involved in running the event is also under discussion. The organisers of the event will be eligible to submit an application to the 2016 Community Support Fund under the events and festivals category.

The tourism unit will also be working with the group in promoting the event and helping with the identification of other sources of funding.

15.07.13.03 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 had been circulated to the Members:

Housing/Social Services Report for June 2015

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

2015 Allocation for Housing Adaptation Grants for Older People and People with a Disability

The Council has received notification from DOECLG of the 2015 Allocation for Housing Adaptation Grants for Older People and People with a Disability Grant Scheme of " 1,788,778 of which " 357,756 is to be provided from our own resources. The Council is continuing to allocate grants in accordance with our Priority Scheme.

Tenant Purchase Scheme

The Council has been advised by the DOECLG that in accordance with the commitment in the Social Housing Strategy 2020 that it intends to introduce in the coming months a tenant purchase scheme for existing local authority houses under Part 3 of the Housing (Miscellaneous Provisions) Act 2014. This Scheme will be

modelled along similar lines to the incremental tenant purchase scheme. We await commencement of this Part of the Act.

Energy Efficiency Insulation

The Council has been advised of the 2015 funding allocation of " 507,374 for energy efficiency insulation works to local authority houses.

Returning Vacant Housing Properties to Productive Use

The Council has received notification of " 905,230 for 53 units under the above programme for 2015. The aim of this programme is to return vacant properties to productive use and we are currently advancing works under the scheme in order to re-let houses.

Social Housing Activity Report as at 19th June 2015 Listowel MD

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	9
New Tenancies Commenced	6
Accommodation refusals	0

Social Houses

Vacant Group scheme properties within Municipal Area

Under Repair (Excl those awaiting major refurbishment)	11
Awaiting Allocation	8

Construction Programme

Single Rural Dwellings - Site Transfer Stage	1
Single Rural Dwellings - under construction	0
Extensions - applications on hands	6
Extensions - Tender Stage	0
Extensions - under construction	0

Rental Accommodation Scheme

	<u>County</u>	<u>L.M.A.</u>
Total Active Tenancies	853	112
New tenancies in 2015	74	9
Tenancies terminated in 2015	34	4

Leasing

	<u>County</u>	<u>L.M.A.</u>
Leased Properties	88	9
Leases under negotiation	11	2

Housing Adaptation Grants (County Wide)

	<u>No.</u>	<u>"</u>
Revised Allocation 2015		1.789m
New Grants Allocated 2015	159	0.915m
Total 2015 Commitment	177	1.085m
Grants Paid	33	0.410m

Community Services and Engagement Report for June 2015

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

Kerry Public Participation Network.

The Public Participation Network has continued to work on the public consultation surrounding the Local Economic & Community Plan and also the Library Strategy for the county. Details have emerged of funding assistance for the development of the PPN nationally.

Community Support Fund.

Letters have issued to all groups who submitted applications under the community support fund. Successful applicants have been advised of the documentation required to draw down the funding. The requirements vary in relation to the size and type of project or programme. Late applications will be examined and brought to the September meeting for consideration by the members. The available funding is very limited at this point.

Local Economic & Community Plan

The preparation of the LECP is advancing with the completion of economic profile for the county. The first phase of public consultation has concluded with public meetings being held through the PPN in each of the Municipal Districts. There has also been a series of stakeholder engagements with the various community organisations, including individual organisations and a significant gathering in the meadowlands hotel on the 17th June, where over sixty representatives of groups attended. While the public phase of the consultation has concluded the stakeholder engagement will continue with both the community and commercial groups throughout the county. There is a retail event planned for the evening of the 15th July in the Fels Point hotel.

Pride of Place

The IPB Pride of Place competition is in its 13th year. Communities are nominated by Kerry County Council in conjunction with the Kerry Community Awards to represent Co Kerry in this all island competition.

The Pride of Place competition recognises the work being done to create communities that are vibrant, creative, caring and good places to live. In nominating a community an opportunity is given to Kerry County Council to recognise the good work being carried out by the community locally and the cooperation that exists.

There are various categories one of which is a special category for Populations over 2,000. Listowel has been chosen to represent County Kerry in this category.

Kerry Traveller Community Health Initiative is the entry under %Community Health Initiative+and the Kerry Diocesan Youth Service is the entry under %Young People in the Community Initiative.+

Adjudication takes place on 31st August and September 1st 2015.

Emergency Services Report for June 2015

Business Unit Manager – Mr. Vincent Hussey, A/Chief Fire Officer

Operation of the Fire Brigade Service:

- There were 624 incidents up to the end of June 2015 compared to 552 incidents for the same period in 2014.
- The number of gorse fires was 209 up to the end of June 2015, compared with 75 for the same period last year. This is a significant increase in this type of incident. This will have a consequent negative impact on the Fire Service Operations budget for 2015.
- The number of chimney fires was 89 up to the end of June 2015, compared with 72 for the same period last year.
- The number of Road traffic collisions in the county was 65 up to the end of June 2015, compared with 80 for the same period last year.
- We sent three officers on a Manual Handling Instructor Course.

Major Emergency Management

- The Q2 meeting of the Regional Steering Group was held on the 30th June.

Fire Safety and Prevention:

- Fire Officers continued to provide the Courts with recommendations in respect of any licencing applications notified to the Fire Service.
- Fire Officers continued with premises inspections as required.

Building Control:

- 181 Commencement Notices were received up to the end of June 2015.
- The number of Disability Access Certificate applications received was 43 for the same period.
- A total of 64 Fire Safety Certificate applications were received.

Civil Defence:

- **Training;**
- Completed the Fire Service Re-Certification Course in Emergency First Responders . 16 x Students
- Completed Manual Handling Training for Local Authority staff.
- Emergency Medical Technician Training for CPC as required by PHECC.
- Search And Rescue Training with Exercise.
- Welfare Training in kitchen management.
- Auxiliary Fire Service training in Pontoon modular assignments.
- **Duties:**
- Listowel Races . Civil Defence provided the following: 4 X Ambulances, Communications, Mobile first aiders . 20 x Volunteers per day on Duty
- Kerryhead Marathon providing medical cover; 1 x ambulance
- Currow cycling Club; 1 x Ambulance

Environmental Protection Services Report for June 2015

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

Blue Flag Awards 2015

The international Blue Flag Award recipients were announced by the Minister Alan Kelly on 28th May. The 3 blue flag beaches in Ballybunnion North, Ballybunnion South & Ballyheigue each retained their blue flag status

Bathing Waters

Under European and Irish law, City and County councils must identify bathing waters each year so that these areas can be monitored to ensure they meet stringent microbiological water quality standards. Currently there are 15 officially designated bathing waters in the county

Submissions have been invited from the public to help Kerry County Council decide which bathing areas should be designated for 2016, having regard to the following broad criteria

- How the swimming area has been used up to now;
- How many people use the site;
- What facilities exist at the site and how accessible it is;
- Any safety issues.

Closing date for submissions to Kerry County Council is 28th July 2015.

New Waste Management (Regulations

The **Waste Management (Collection Permit) (Amendment) Regulations 2015** which came into force from 1st June 2015 imposes significant new obligations on Kerbside Waste Collectors from 1st July 2015 i.e. use of weighing mechanisms, specified reusable receptacles, provision of recyclable collection services & the preparation of a customer charter and monthly statements to customers of the weight of waste presented for disposal.

Arrangements are in place within the Environmental Services Section to have an inspection regime in place from 1st July with the waste collection operator in the Municipal District to ensure compliance and contact has been made with the relevant collector and arrangements are being made to carry out the inspections. All waste collection permits for household waste collectors are currently being reviewed and the required changes as per the new legislation are being included in reviewed permits. A requirement is also being included that on-board weighing mechanisms must meet certain specified legal metrology criteria and must be certified for use by the NSAI. Guidance on this has been provided by the DECLG.

Also the **Waste Management (Facility Permit & Registration (Amendment) Regulations 2015** provide for additional rules for PTUs (Pay To Use) accepting household waste, in line with the new obligations for kerbside collectors. There is currently only one PTU operating in Listowel which is subject to authorization by way of a certificate of registration issued by Kerry County Council. In accordance with these regulations the relevant Certificate of

Registration has been amended to reflect the new household waste legal requirements.

Other Environmental Awareness Initiatives

Green Flag Awards

The Green Flag Awards for Kerry Schools took place in Cork on May 26th. Flag raising ceremonies will take place in each of the schools before they break up for Summer Holidays. Schools generally make a community occasion of the event and invite local representatives to attend

We are running a Teachers' Summer Course with An Taisce in Killarney from July 1st - 7th. This is by way of extra information to Teachers who may be undertaking the Green Flag Award for their school in the coming school year. The course covers Waste/Litter, Energy, Water, Biodiversity and Sustainable Travel

Tidy Towns Groups

We continue to work with Tidy Town groups at this time of year as they prepare to submit their applications. There is ongoing contact with Listowel Tidy Town Group and the many clean ups they have undertaken in the town this year

Other initiatives

Transition Kerry have a public meeting on reducing Energy costs. 24th June - 7-9pm - Transition Kerry Energy Working Group - Public Talk on Energy Co-operative and how to reduce your energy bills, ICT Restaurant, IT Tralee (north campus)

The Anti-Gum Litter campaign, nationally coordinated by IBEC and implemented on the ground by Kerry County Council will take place in Tralee on Monday 27th July. Monitoring will take place until end of September.

We are currently working with a number of caravan, holiday home centres and camping sites in Kerry including Ballyheigue with a view to reducing their waste and increase recycling figures. This is an EPA funded project under the Local Authority Prevention Network (LAPN). A number of initiatives which will hopefully reduce food waste and increase recycling will be put in place.

We have received funding from the Environmental Protection Agency to promote the Food Share Kerry project in which we are partners with the St. Vincent de Paul and NEKD. The goal of this initiative is to reduce food waste in supermarkets.

Library service:

" Public consultations have been completed with regard to the Library Development Plan which will cover the years 2015 . 2019. Draft Plan currently in preparation.

" Each year Kerry Library runs summer reading programmes for primary school children to promote literacy development when schools are closed and to encourage non readers to engage with books. This year, Kerry will be participating in a new national pilot initiative, supported by the LGMA (Libraries Development) with 13 other local authority libraries.

The Reading Challenge will run during the summer from 20 June . 22 August. Each child will receive a challenge card and will be encouraged to read 6 books from the available selection (fiction and non-fiction). All libraries, including Ballybunion & Listowel are participating. On completion each child will be presented with a reading certificate and library bag at a local library awards ceremony in September. The challenge will also include an interactive website where participants can play related themed games, review books, communicate with selected authors at:

<http://www.librariesireland.ie/summer-reading-adventure/>

" The opening hours at Listowel Library during July are outlined in the table below. As previously advised, the staffing levels at Listowel Library are currently below optimum level. As a result it has been difficult to maintain the range of opening hours that were previously available, resulting in a reduction of 3 hours per week (by closing at 5.00pm on Tuesdays) plus some lunch time closing. However, to date 6 day opening has been retained.

Listowel Library Opening Hours 1 – 31 July 2015				
			Lunch time	Evening opening
Wednesday	01 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Thursday	02 July 2015	10.00 - 8.00 pm	closed 1.30-2.30pm	
Friday	03 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Saturday	04 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Monday	06 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Tuesday	07 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Wednesday	08 July 2015	10.00 - 5.00 pm	open through lunch	
Thursday	09 July 2015	10.00 - 8.00 pm	open through lunch	5.00pm - 8.00pm
Friday	10 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	

Saturday	11 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Monday	13 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Tuesday	14 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Wednesday	15 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Thursday	16 July 2015	10.00 - 8.00 pm	open through lunch	5.00pm - 8.00pm
Friday	17 July 2015	10.00 - 5.00 pm	open through lunch	
Saturday	18 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Monday	20 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Tuesday	21 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Wednesday	22 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Thursday	23 July 2015	10.00 - 8.00 pm	closed 1.30-2.30pm	
Friday	24 July 2015	10.00 - 5.00 pm	open through lunch	
Saturday	25 July 2015	10.00 - 5.00 pm	open through lunch	
Monday	27 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Tuesday	28 July 2015	10.00 - 5.00 pm	closed 1.30-2.30pm	
Wednesday	29 July 2015	10.00 . 5.00 pm	closed 1.30-2.30pm	5.00pm - 8.00pm
Thursday	30 July 2015	10.00 . 8.00 pm	open through lunch	
Friday	31 July 2015	10.00 . 5.00 pm	closed 1.30-2.30pm	
Saturday	1 August 2015		Closed - Public Holiday Weekend	

John Breen
Director of Services
Sustainable Communities /Quality of Life

Cllr. D Nolan referred to the Social Housing Report and asked how many long term void properties are in the Listowel Municipal District.

Mr. T O'Connor undertook to investigate this matter and it was agreed that Ms. J Foley Municipal District Officer would revert to Cllr. Nolan with a response.

Cllr. J Moloney referred to the table of opening times for the Library in Listowel and asked if the closure of the Library on Tuesday evenings is a temporary measure.

Mr. JD Flynn said that this is a temporary arrangement.

(b) Notices of Motion

1. Cllr. J Brassil: That Kerry County Council would review the heating systems in all the properties in Sraid Thaidhg estate Ballyheigue that have storage heaters as this system is unsuitable and unacceptable as it incurs unreasonably high heating costs for tenants of Social Housing

Reply: The electrical storage heating system was chosen in preference to oil heating because it is more economical than oil.

In general terms the price of electricity is more stable versus oil and it's more efficient when used correctly.

Following previous queries, Kerry County Council housing staff visited a number of the houses in this estate and found that the heating costs were reasonable.

We have requested that our Energy Officer, Capital Infrastructure Unit, would evaluate the situation and report back to us.

There is currently no funding available from the Department of Environment, Community and Local Government for the installation of an alternative heating system in lieu of an existing system.

Cllr. J Brassil said that this heating system incurs very high costs for tenants of Social Housing.

Mr. JF Flynn suggested that Cllr. Brassil would provide the Housing Department with details of the houses concerned.

2. Cllr. J Brassil: That Kerry County Council would provide additional living accommodation and storage space to (Details with Directorate) as the current living arrangement is cramped and unsuitable.

Reply: This tenant has been provided with a standard demountable housing unit which consists of a bedroom, bathroom and a combined kitchen and living room.

Kerry County Council does not have a larger one-bedroom demountable unit available.

The structure in question is situated in the Tralee Municipal District.

Cllr. J Brassil said that the current living arrangement for this person is very cramped and unsuitable and asked that this matter be re-examined to establish if a separate storage cabinet for medical requirements can be provided.

Mr. J Sheehan said that while the structure in question is not in the Listowel MD he would discuss this case with relevant staff in the Housing Department with a view to addressing the issue.

3. Cllr. L Purtill: That Kerry County Council would surface dress the pathways in Killury Burial Ground. The existing gravel pathways are not user friendly for walking aid and wheelchair users.

Reply: The engineer with responsibility for Burial Grounds will arrange a meeting on site to discuss any issues relating to this Burial Ground.

4. Cllr. L Purtill: That Kerry County Council would remove the ditch beside Killury Burial Ground, Causeway. The landowner (Details with Directorate) has agreed to give this area for parking.

Reply: The engineer with responsibility for Burial Grounds will arrange a meeting on site to discuss any issues relating to this Burial Ground.

5. Cllr. R Beasley: That the two beaches in Ballybunion be machine cleaned at least five days per week.

Reply: Both beaches in Ballybunion are cleaned on a daily basis.

The beaches are mechanically cleaned three times a week as this is in line with the current perceived need.

If it is warranted we will increase the frequency of mechanical cleansing during the peak season.

Cllr. R Beasley said that Ballybunion has been hugely affected by the economic down turn. He would like the beaches to be machine cleaned to make Ballybunion more attractive as a tourist destination.

Mr. J Sheehan said that if warranted the frequency of mechanical cleansing will be increased during the peak season.

6. Cllr. D Nolan: That the sign to Murhur graveyard be re- erected.

Reply: The sign referred to will be re-erected

7. Cllr. D Nolan: That the remains of the Medieval Church in Murhur Graveyard be re inspected as it has deteriorated to a dangerous condition, in what is still a graveyard where burials still take place.

Reply: The remains of the Medieval Church in Murhur Graveyard have been re-inspected and while the structure is not considered at this time to pose a high risk of danger to the public, the engineer with responsibility for Burial Grounds will meet Cllr. D Nolan at this burial ground to discuss any measures which could be taken to protect this structure.

Cllr. D Nolan acknowledged this response.

As Cllr. A Thornton was not present at the meeting at this stage, Notice of Motion No. 8 was moved on her behalf by Cllr. M Kennelly.

8. Cllr. A Thornton: Can Kerry County Council please confirm if there are to be any extra houses in the Ballybunion area and whether the houses that were vacated are now ready for letting.

Reply: We recently advertised a countywide expression of interest for properties to purchase/lease but received no responses from the Ballybunion area. We continue to pursue all avenues through our Purchase Scheme & our Leasing Scheme for this area and would welcome any further expressions of interest. There are currently 4 Local Authority properties available for re-letting and in the process of being allocated in line with our Allocation Scheme.

9. Cllr. J Moloney: Can the Listowel Municipal District be provided with a litter report for the area of actions taken in 2014

Reply: Litter Activity Report for Listowel Municipal District January-December 2014

Number of Complaints Received	110
Number of On the Spot Fines Issued	13
Number of On the Spot Fines Paid	3
Number of On the Spot Fines Waived	9
Convictions	1

Cllr. J Moloney asked for an explanation as to why nine On the Spot Fines had been waived.

Mr. JD Flynn undertook to investigate this matter and to revert to Cllr. Moloney.

(c) Questions

1. Cllr. L Purtill: Following my letter to the Housing Department regarding the painting of houses at Quay St. Ballylongford, has the landlord (Details with Directorate) been contacted and is there any update regarding same.

Reply: As per our RAS contracts the landlord is responsible for

- The cyclical maintenance of the RAS property every 4 years or as determined by Kerry County Council i.e. internal and external painting and refurbishment.
- Repairs to the property structure to ensure compliance with the Housing (Standards for rented houses) Regulations 2008.
- Repairs and replacement of fittings as are necessary so that the interior and those fittings are maintained in the condition in which they were at the commencement of the tenancy.
- These obligations do not apply to any repairs that are necessary due to deterioration caused by the tenant

These conditions would be standard for any private landlord/ tenant rental contract. We will follow up on the painting of the houses with the landlord.

2. Cllr. R Beasley: Why did the Council erect such a large sign on top of the stream on the Ladies Beach, Ballybunion and could it be modified?

Reply: This is the required dimension of this Water Quality Advice Notice which is required to be bi-lingual in accordance with our Scéim na Gaeilge & the Official Languages Act.

3. Cllr. R Beasley: How many people from the Listowel Municipal District are qualified applicants for housing.

Reply:- Total for Listowel MD is 498.

This total reflects multiple areas of choice selected by applicants within the Municipal District.

Cllr. R Beasley expressed concern at the number of qualified applicants for housing in the Listowel MD and said that he feared that people would find themselves homeless.

4. Cllr. D Nolan: Could Kerry County Council give an update on the Local Community Support Development Fund re; amounts paid out, groups where funding and projects have been finalised, applications for reserve, and recommendations for fund reserve.

Reply: All applicants have been notified of the decision of the MD in relation to their request for funding. Successful applicants have been advised of the requirement to draw down the funding. This varies from project to project, depending on the amount of funding allocated and the nature of the project. Many applicants require to be set up on the Council's Agresso financial system, if they have not been previously in receipt of payment from the council and also up to date tax clearance is required from applicants as well as band details for payment. To date only one applicant has received payment in the Listowel area. This situation will improve over the coming weeks and it is anticipated that with the required information most of the projects will receive payment in the period July/August. It is intended that if such a scheme gets approval in 2016 that it would be announced much earlier in the year to allow funding be drawn from March 2016 onwards.

5. Cllr. D Nolan: What monuments or sites recorded on the Record of Monuments and Places, in the Listowel Municipal District have access through established rights of way or through County Council land and property?

Reply: The following National Monuments in State Ownership or Guardianship and with open access are located in the Listowel Municipal District:

- Listowel Castle
- Lislaughtin Abbey
- Carrigafoyle Castle
- Rattoo Round Tower & Church

There are two other monuments in the area that are National Monuments as a result of having a Preservation Order placed on them due to concerns over damage but in these cases access is not available:

- Ringfort & Souterrain, Clashmelcon
- Ringfort, Lisduff

The following historic graveyards are local authority owned graveyards listed in the Record of Monuments & Places and are accessible:

Aghavallin
Derryco

Killehenry
Dysert

Kilmore
Galey

Kiltomy
Duagh

Knockanure
Lisselton
Rattoo

Murhur
Kilconly
Abbeydorney

Kilnaughtin
Killury

Lislaughtin

Kyrie Eleison Abbey in Abbeydorney graveyard is a National Monument in Local Authority ownership but it is not openly accessible to the public due to concerns over public safety. Conservation works were undertaken by KCC on the abbey ruin in order to prevent its collapse in the short/medium term but safety concerns would remain.

Cllr. D Nolan acknowledged this comprehensive response.

Mr. JD Flynn said that National Monuments will be an important feature in Kerry Tourism Strategy 2016 -2020.

As Cllr. A Thornton was not present at the meeting at this stage Notices of Question No's 6 & 7 were moved on her behalf by Cllr. M Kennelly.

6. Cllr. A Thornton: Can Kerry County Council please update me in relation to the housing application of (Details with Directorate)

Reply: This person is a qualified applicant with Listowel and Ballybunion as areas of choice and will be considered for any suitable vacancies that may arise in these areas.

7. Cllr. A Thornton: Can Kerry County Council please update me in relation to the housing application by (Details with Directorate).

Reply: This person is a qualified applicant with Listowel as area of choice and will be considered for any suitable vacancies as they arise.

15.05.25.04 Water Services Directorate

Mr. C Mangan SEE Water Services briefed the members on the following report which was circulated. Mr Mangan said that a Grant Allocation of " 780,100 has been allocated to Kerry County Council for the various measures under the Rural Water Programme in 2015 and it is intended that further work will be carried out on the Clanmorris GWS with a view to taking the scheme in charge.

Mr. J Sheehan referred to surface damage on carriageways and said that repair work would commence when work on water mains has been completed.

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 CIP. The Schemes listed in the CIP which affect the **Listowel Municipal District** are outlined in the following tables:

<u>CAPITAL INVESTMENT PROGRAMME 2014-2016</u> <u>WASTE WATER PROJECTS</u>	
Project	Status
Tarbert SS	Tarbert and Ballylongford WWTP are being constructed as one contract awarded to Response Engineering Ltd . due to be completed Aug 2015 . The Tarbert Advance pipe-work Contract was completed in June 2013.
Ballylongford SS	Tarbert and Ballylongford WWTP are being constructed as one contract Work by Response Engineering Ltd. is underway . due to be completed by Aug 2015 .

<u>ADDITIONAL MAJOR CAPITAL WORKS</u> <u>BUT NOT PUBLISHED IN IW CIP 2014-2016</u>			
Project	Description	Estimate	Status
Derry Listowel NKRWSS	Replace 3.5Km of 300mm diameter Asbestos Cement Water Main	" 1,163,000	Site Investigation completed; To go to Tender in Aug 2015

Funding Priorities for Capital Projects

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

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

In Wastewater, priority will be given to towns (agglomerations) to which ECJ Rulings apply, and to meeting the requirements of the EPA Discharge Licenses.

IRISH WATER MINOR IMPROVEMENTS PROGRAMME

Irish Water has also launched a Minor Capital Works Programme. 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 table below.

<u>MINOR CAPITAL WORKS PROGRAMME</u>			
Project	Description	Estimate	Status
Listowel SS	Replacement of pump at Tea Lane	" 5,300	Substantially Complete
Lyreacrompane WTP - Sludge Treatment	Complete Sludge Treatment Plant	" 50,000	Tender Proposal is with Irish Water

Lyreacrompane RWSS	Site Acquisition	" 30,000	In progress
Ballyheigue Water Softener	Repair of pipework and replace resin	" 7,000	Work Completed
NKRWSS: Ballyduff Cast Iron Mains Replacement	Replacement of 2,9Km of old / deficient C.I. pipes	" 278,000	Completed
CRWSS Cloonafineela	Provision of SCADA/Telemetry for reservoir and pumphouse	" 6,400	Substantially Complete
NKRWSS: Derry - Clontibret	Replacement of 2.25Km of 300mm diameter Asbestos Cement Water Main	" 270,000	Substantially complete
NKRWSS: Dromin Water TP	Extensive roof repairs	" 150,000	Consultants to prepare Tender
NKRWSS: Rusheen Ballylongford	Replacement 550M old / deficient 100mm diameter C.I. pipes	" 33,000	Substantially complete
NKRWSS: St Pat's Tce. Tarbert	Replacement 350M old / deficient 100mm diameter C.I. pipes	" 42,000	KCC direct labour works -Autumn 2015
NKRWSS: Tieraclea Pk. Tarbert	Replacement 250M old / deficient 3+PVC water mains	" 26,250	Substantially complete
<i>Lyreacrompane RWSS: Network - Unidirectional Scouring</i>	<i>Install new scour valves and provide sampling points on existing scours</i>	<i>€ 17,000</i>	<i>Requested</i>
<i>NKRWSS: Lisselton</i>	<i>Replacement 3.8KM 250mm AC mains</i>	<i>€315,000</i>	<i>Requested</i>
<i>NKRWSS William St</i>	<i>Installation of 450M of 250MM water main</i>	<i>€66,000</i>	<i>Requested</i>
<i>CRWSS Kilflynn area</i>	<i>Valves replacement</i>	<i>€23,300</i>	<i>Requested</i>
<i>CRWSS Lacka More</i>	<i>Replacement 1.44KM old / deficient 125mm PVC main with 160mm pipe</i>	<i>€158,400</i>	<i>Requested</i>
<i>Ballyheigue WS Pressure Management</i>	<i>Install Pressure Reducing Valves and Meters</i>	<i>€ 7,000</i>	<i>Requested</i>
<i>Glenderry Mains Replacement</i>	<i>Replace 750m of 50mm Waterm</i>	<i>€ 56.250</i>	<i>Requested</i>
<i>Lahesherragh WS Pressure Mgmt.</i>	<i>Installation of PRVs etc</i>	<i>€14,500</i>	<i>Requested</i>
Total ALLOCATED		€897,950	

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 €780,100 has been allocated to Kerry County Council for the various measures under the Rural Water Programme in 2015.

Takeover of Group Schemes

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

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

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

It was agreed to note the following Report from Mr. G Riordan SE and Mr. J Sheahan SEE which was circulated.

Programme of Works

<i>Listowel Municipal District Operations</i>	<u>Roads</u>
	<i>Listowel Municipal District East</i> Footpath improvement works in Woodview & Cahirdown Listowel are complete. Flood protection works at Ballylongford are complete. L-1025- Bunglasha . Road Restoration Works complete following ducting works associated with wind turbine development. <u>Restoration Improvement</u> Works are complete on the following roads L-1013- Tarmons East . Co.Bounds R-551 Ballymackessy to Glencullane R-551 Meelcon - Carhoona Preparatory works have commenced on the following locations on the Restoration Improvement Programme R-553- Ballintoher- Ballyhorgan L-1010- Quay Street to Lislaughtin L-6010- Rusheen to Carrigafoyle <u>Restoration Maintenance</u> Preparatory works have commenced on the following locations on the Restoration Maintenance Programme L-6111- Coolaneelig R-523- Shanacool to Boltons Cross L-1017- Bedford Cross L-1024- Six Crosses . Beheens <i>Listowel Municipal District West</i>

	<p><u>Restoration Improvement</u></p> <p>Works are complete on the following roads</p> <p>L-1031 Buncarrig . Ballinorig L-6084 Ballinclemsig L-1034 Feans Cross . Lodge Cross</p> <p>Preparatory works have commenced on the following locations on the Restoration Improvement Programme</p> <p>L-1030 Kilmoyley Church . Snipefield R-553- Ballyrehan - Garrynagore</p> <p><u>Restoration Maintenance</u></p> <p>Works are complete on the following roads L-1000 - Doon Cross . Beale L- 6038- Knoppogue</p> <p>Preparatory works have commenced on the following location R-551- Ferry Bridge . Ballyconry</p> <p style="text-align: center;"><u>Housing</u></p> <p>Update on Casual Vacancies</p> <p><i>Group Schemes</i></p> <p>Abbeydorney 2 Bed - 34 Riverside - Works underway, to be complete by end of July</p> <p>Ballybunion 1 Bed - 20 Hillview - Complete, returned to housing 3 Bed - 13 Sandhill Park - Complete, returned to housing</p> <p>Ballyheigue 1 Bed - 45 Marian Park - Works underway, complete within next two weeks 1 Bed - 49 Marian Park - Works underway, complete within next two weeks.</p> <p>Moyvane 3 Bed - 41 Woodgrove - Preparing Estimate for approval</p> <p>Lixnaw 1 Bed - 2 Baile an Gharrai - Preparing Estimate for approval</p> <p><i>Single Rural Dwellings</i> 2 Bed - Aghabeg Middle, Lixnaw - Tender received, works to commence early August 3 Bed - Ballinclemisig Ballyheigue - Keys received, estimate to be completed.</p>
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Update on Long term Voids

Group Schemes

Ballyduff

3 Bed - 11 Benmore - Awaiting Estimate Approval

Single Rural Dwellings

3 Bed - Knockbrack Ardfert - Awaiting approval to Tender

2 Bed - Bawnmore Ardfert - Law Agents, Trespass

3 Bed - Aghabeg Middle, Lixnaw - Boundary Issues

2 Bed - Ballinagearagh Lixnaw - With Housing Admin

3 Bed - Boherroe Abbeydorney - Law Agents

2 Bed - Dirha Listowel - Awaiting Estimate Approval

Other non Maintenance Works

- Re-construction of chimneys on 3no Single Rural Dwellings in hand, two complete and one underway.
- Reconstruction of chimney in Woodview Tarbert going to tender
- Extension to Single rural dwelling tendered and awaiting of confirmation of successful tender. Works to commence within four weeks subject to approval of tender.

Listowel Town

72 Feale Drive - Awaiting Estimate approval

1 Stokers Grove - Works Complete

26 Lartigue Village - Works underway, to be complete within next two weeks.

Apt 2A Charles St - Works Complete

Environment

Beeches General

1. Beech cleaning works are ongoing for the Summer season in Ballybunnion and Ballyheigue.

Ballybunnion

2. Fencing along the Cliff Walk, Ballybunnion has been repaired and made good.

3. Warning signage has been placed on Ballybunnion Beaches alerting the public of the danger of overhanging rocks.

4. A pathway leading from Cliff Road to the Ladies Beech, Ballybunnion has been resurfaced with an anti slip coating to negate the instances of slipping and falling which are prevalent on the walkway.

5. Both Life-Guard buildings, on the beaches in Ballybunnion have undergone various levels of refurbishment and are substantially complete.

6. A segment of the sea wall on the Men's Beech has been replaced/repared.

7. 5no. new litter bins have been placed in Ballybunnion and it is proposed to place some more on Cliff and Sandhill Roads.

	<p>8. Railing and public seating repair work has been finalised. <u>Ballyheigue</u> 9. The Life-Guard hut in Ballyheigue has been repainted. 10. Repair/replacement works have been undertaken to the southern extremity of the promenade. <u>General</u> 11. Storm damage has been rectified at Kilmore Strand, ballyduff. Works included the placement of rock-armour, the reconstruction of part of the sea wall, railing replacement and the reconstruction of a segment of the road leading to the parking area. 12. In Q1 a tree planting programme was introduced in Ballylongford and Listowel. 13. The O'Rahilly Celtic Cross in Lislaughtin Burial Ground has been cleaned and refurbished.</p>
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John Sheehan
Senior Executive Engineer

Gerry Riordan pp
Senior Engineer

Cllr. R Beasley said that he was delighted with the refurbishment work which has been carried out on the Life Guard buildings in Ballybunion. He also acknowledged the work which was carried out at Kilmore Strand and said he hoped funding would be made available by the OPW for the repair of the wall at Kilmore beach which was damaged by high tides in 2014. Cllr. R Beasley acknowledged the work which has been carried out on the L- 6038- Knoppogue and asked that the Clahane road would be considered for restoration maintenance work in 2016.

Cllr. J Brassil said that a manhole cover on the road at the top of Cahirdown had become loose and he asked that this matter be addressed as residents were concerned about the noise caused by vehicles driving over the loose cover.

Cllr. M Kennelly referred to the condition of the pavement at Courthouse Road and sections of the N69 in Listowel.

Mr. M McEnery said that a survey would be carried out and forwarded to the NRA.

Cllr. J Brassil PROPOSED that a letter on behalf of the members regarding this matter would issue to the NRA.

Mr. J Sheehan undertook to forward a letter to the NRA as requested.

(b) Notices of Motion

1. Cllr. J Brassil: When does Kerry County Council intent to carry out coastal protection works at Ballyheigue beach between Sraid Thaidhg estate and the beach?

Reply: Kerry County Council currently has no funding to carry out coastal protection works at Cliff Road, Ballyheigue and therefore cannot state when these works will be carried out.

While a preliminary assessment has been undertaken there is a need to undertake a more detailed design and scoping of works.

Kerry County Council will also have to undertake an Appropriate Assessment Screening for the project.

However it has to be reiterated that, currently, there is no finance available to undertake the required coastal protection works at Cliff Road, Ballyheigue.

2. Cllr. J Brassil: That Kerry County Council would carry out repairs to the canopy at the entrance to the property of (Details with Directorate).

Reply: Kerry County Council will reattach the exterior light and PVC soffit sheeting to the underside of the canopy within the next two weeks.

No repair request has been made directly to Kerry County Council regarding this issue.

3. Cllr. J Brassil: That Kerry County Council skirt both sides of the road on approach to Shliabh adMhadra National School and put down a stone base to widen the road as land acquisition attempts appear to be at a dead end.

Reply: The roadway in question goes right to the ditch, on either side and insufficient space exists to extend the carriageway.

To undertake the requested works would require removal of part of the ditches to the East and West of the roadway, a proposition which neither landowner is willing to contemplate.

Cllr. J Brassil said that Shliabh a'Mhadra National School is the busiest national school in the North Kerry area with approximately 160 pupils attending. The only option is a CPO as this is a health and safety issue.

Mr. JD Flynn acknowledged Cllr. Brassil's concern and said that this matter will be examined and members will be updated at the next Listowel MD meeting.

4. Cllr. J Brassil: That Kerry County Council erect 10km signs in the lane between Ballyheigue Community Centre and The White Sands Hotel

Reply: The laneway is not in the care of Kerry County Council, consequently, Listowel Municipal District cannot undertake the requested works.

5. Cllr. J Moloney: That Kerry County Council begin the CPO process in relation to the Track Road, Castleinch, Listowel. Multiple attempts have failed to find a resolution to the problem with the road which serves 3 estates and over 100 houses. Kerry County Council also owns nearly 10 acres which can be accessed from this private road.

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.

Ownership of a segment of the roadway is being claimed by a private individual.

CPOs are sometimes sought by a local authority, under the Planning and Development Act 2000 Section 213 (2) (a) and subsequent updates, for the purpose of road construction for public roads and or by a Local Authority for the purposes of performing any of its functions

Acquiring land to accommodate a road, not in the care of Kerry County Council does not, in my opinion, come within the remit of the local authority and is not an element of its functions.

However, I will take legal advice on the issue and consult with the County Solicitor, I will revert to you with that legal opinion, however I will restate my view that the pursuance of CPOs, by the local authority, for private roads does not come within the remit of the Act.

Compulsory acquisition can be made under other Acts for ~~Strategic Infrastructure~~ however these are not relevant in this issue.

In the past, efforts were made 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.

Mr. JD Flynn said that a CPO of land by a local authority is in effect compulsorily taking land from a landowner who does not want to sell it and is not a process that is initiated without due consideration and legal advice. He undertook to discuss this matter with the County Solicitor and revert to the members.

Mr. M McEnery said that extensive negotiations have taken place with the landowners but have not been successful.

6. Cllr. L Purtill: That Kerry County Council would raise the area (approximately 50yds) outside the home of (Details with Directorate). Since the road has been raised due to resurfacing it is no longer possible to cut the hedge because the tractor tilts due to the fall inwards.

Reply: No hedge was observed directly outside the home of the named individuals, however the segment of property directly to the South has a hedge of *Ionicera nitida* set back from the N69.

There is no impediment to the hedge being cut by tractor mounted equipment or manually using a mechanical or motorised trimmers.

It was agreed that Mr. J Sheahan would meet with Cllr. L Purtill on site to review this matter.

7. Cllr. L Purtill: That Kerry County Council would repair a breach in the ditch at the Tarbert comprehensive school side of the stone wall. This is a safety hazard because of the river close by.

Reply: Kerry County Council will carry out repair works at this location in the near future.

8. Cllr. L Purtil: That Kerry County Council would surface dress the footpath outside the home of (Details with Directorate)

Reply: The townland of Kilpaddoge encompasses the housing to the West and South of Tarbert Comprehensive School, on the L1010.

The footpath on the North side of the road terminates at the entrance to the school and does not extend as far as Kilpaddoge, on the Southern flank no specific pedestrian paved area exists beyond the intersection of the L1010 and the R551.

If the motion relates to Knopogue Lower, Ballyduff, there are no footpaths in this location.

Cllr. L Purtill acknowledged the reply and said that the motion related to Kilpaddoge, Tarbert.

9. Cllr. L Purtill: That Kerry County Council would resolve a drainage problem outside the home of (Details with Directorate). This problem has existed for a long time and he was promised by Kerry County Council that this matter would be addressed.

Reply: From information received, in order to resolve this matter, it will be necessary in the first instance to obtain permission from an adjoining landowner to take an overflow pipe, from an existing chamber, southwards into this private property to discharge.

If permission is obtained, funding would then have to be provided. It is estimated that it would cost " 8,000 to carry out the necessary works.

Listowel Municipal District does not currently have the funds to undertake this work.

To confirm the necessity of the proposed overflow, we will undertake a CCTV survey of the system, which will give us a detailed analysis of the problem, whence we can be more definitive about a solution.

10. Cllr. L Purtill: That Kerry County Council would replace the steps and replace them with a ramp or slope beside St. Mary's funeral home, Tarbert. People with a disability are obliged to use the main road to access the funeral home. This road is the busy Limerick/Listowel road.

Reply: There is a differential in ground level of 400 mm+ between

St Mary's Funeral and its nearest neighbour to the South.

Listowel Municipal District propose to undertake the requested works in Q4 of the current fiscal year, however as the works will impact on the property to the south of the funeral home, we will liaise with the property owner prior to starting.

11. Cllr. R Beasley: That Kerry County Council carry out major works on the Ballylongford/Lisselton road which is in a deplorable condition on the Blackwood section and is one of the two main roads used by tourists coming into Ballybunion.

Reply : The road in question is the L-1006.

A section of the road, approximately 600m in length, around the area mentioned is in poor condition.

This segment is of a bog rampart road type construction and to eliminate the surface undulations a full road reconstruction is required to adequately improve the structural stability and riding quality of the carriageway.

This road is not on any current Roads Programme and Listowel Municipal District does not currently have the required finance to affect structural reconstruction at the location.

Some patching works will be carried out as a short term measure, however, more substantial works are required to bring this road to an acceptable standard.

Kerry County Council will place advance warning signs and road markings at the locus to alert motorists of the undulating nature of the road surface and to urge speed reduction and caution.

The road can be considered for inclusion in a future roads programme.

12. Cllr. R Beasley: That Kerry County Council carry out remedial work on the road to Derreco churchyard near Ballyduff.

Reply : Repair works will be carried out on this road in the near future

13. Cllr. R Beasley: That Kerry County Council address a number of lags on the road at East End, Ballybunion which is causing a lot of annoyance to elderly people living in this locality.

Reply : There are a number of lags on the outbound lane of the R551, mostly as a result of water/wastewater issues.

Kerry County Council can attend to these carriageway deformations, however, given the time of year it might be appropriate to delay these works until after the holiday season as the traffic management required to undertake the repairs safely will necessitate temporary traffic lights resulting in journey delays.

14. Cllr. R Beasley: That major works be carried out on the road from Dromerin Bridge to Ballyconry Cross.

Reply: This segment of roadway is of a bog rampart road type construction and to eliminate the surface undulations it is acknowledged that a full road reconstruction is required to adequately improve the structural stability and riding quality of the carriageway.

This road is not on any current Roads Programme.

Significant improvement works are needed to bring the roadway to an acceptable standard, undertaking such work is beyond our current financial resources and therefore consideration should be given for inclusion in a future Roads Improvement Programme.

Kerry County Council has placed advance warning signs and road markings at the locus to alert motorists of the undulating nature of the road surface and to urge speed reduction and caution.

We will monitor the roadway and undertake minor repair works, as required, however, the road is urgently in need of more substantial work, which can only be undertaken with significant financial investment.

15. Cllr. R Beasley: How many litter bins have been removed from the main street in Ballybunion. It was promised previously that the number of litter bins would be increased.

Reply: Six new litter bins were positioned in Ballybunnion, earlier this year. Eight older model bins were removed from the streets and are, currently, being refurbished by the MensqShed Group in Ballybunnion.

As soon as these units become available they will be re-installed in locations to be determined by Listowel Municipal District in consultation with the Ballybunnion Tidy Towns Committee.

Cllr. R Beasley welcomed this response.

16. Cllr. R Beasley: That a sign be erected at the top of Schrolom on the road between Asdee and Lisselton to give way to oncoming traffic up from the Lisselton side.

Reply : Some road narrows signs would be more appropriate at this location and these can be erected in the near future.

17. Cllr. R Beasley: Would the Municipal District engineer consider washing the footpaths on the main street in Ballybunnion during the tourist season

Reply : Listowel Municipal District does not have the capacity to undertake this work presently.

Commercial cleaning will cost " 10 plus VAT per square metre. There is approximately 2500 m² of footpath surface in Main Street, giving a cost of " 25,000 plus VAT.

Finance is not available to undertake the requested works, however Listowel Municipal District would be willing to help any group wishing to undertake the task by way of provision of materials etc.

18. Cllr. D Nolan: That Kerry County Council place at least two rubbish bins on the West and North sides of Listowel Square (from the St. Mary's Church to the Arms Hotel to Carrolls Hardware) as this area is very busy with tourists, and mass-goers year round, and has no facilities

Reply: The requested litter bins are in place.

Cllr. D Nolan acknowledged this response.

19. Cllr. D Nolan: That private/commercial cars and vans be fined for parking in the bus bays at the north of the Square, Listowel. These must be kept clear as tour buses cannot pull in and it is a loss to the whole town economy when tourist operators move on for lack of parking facilities.

Reply: The Traffic Warden has been instructed to be particularly vigilant at these two sites.

20. Cllr. D Nolan: That a drain be located outside the property of (Details with Directorate) as the road and property is flooded with rainwater run off during sustained falls of rain.

Reply: It is proposed to undertake works at Glenalappa West Estate in Q3 of the current year and we will undertake the requested works, which will involve a temporary road closure, at the same time.

21. Cllr. D Nolan: That the hedge for c. 2 km beyond Coolnaleen Cross, Kilmeaney, Kilmorna be prioritised for inspection during hedge - cutting periods due to the continual non - compliance by the landowner.

Reply: The Roads Enforcement Officer has agreed that he will prioritise the area east of Shanacool Cross (R523 and L1023) at Kilmeamey.

22. Cllr. D Nolan: That the door at the rear of the property of (Details with Directorate) be inspected as rain is leaking directly into kitchen area.

Reply: An examination of the property found that the rear door is not the issue however there is a problem and it relates to the junction where the concrete flat roof of the annex abuts the primary structure of the house. The resultant junction and channel is in need of re-flashing.

We will undertake the necessary works in the near future.

23. Cllr. D Nolan: That the chimney at the property of (Details with Directorate) be inspected at the sitting room is filling with smoke despite being cleaned twice in the last year.

Reply: It appears that smoke exiting one chimney flue is re-entering the house via the second chimney flue.

Kerry County Council will install a Stainless Steel flue liner that will extend above the adjacent chimney pot to prevent this re-occurring.

24. Cllr. J Brassil: That Kerry County Council would complete a safety audit of the road at the Lodge Cross, Meenogahane Causeway as traffic coming from the Ballyduff direction turning onto the road towards Causeway village proves a danger to pedestrians

Reply: Roadworks have recently been completed in the vicinity of the Lodge Cross in the direction of Feans.

Following on from these works new and improved road markings have been provided in the vicinity of the Lodge Cross, which have highlighted the presence of the junction to those travelling on the North Road.

Some additional markings can be considered to further improve safety, including that of pedestrian road users at the junction.

However, given the rural nature of the location and available space, it is not possible to consider specific pedestrian walkways in the area.

Cllr. J Brassil said that consideration should be given to the danger to pedestrians at this location.

25. Cllr. M Kennelly: That Kerry County Council carry out emergency road works on the L6049/0 road beyond Killocrim National School, as this road has become dangerous to all road users.

Reply: This segment of roadway is of a bog rampart road type construction and to eliminate the surface undulations it is acknowledged that a full road reconstruction is

required to adequately improve the structural stability and riding quality of the carriageway.

This road is not on any current Roads Programme.

Significant improvement works are needed to bring the roadway to an acceptable standard, undertaking such work is beyond our current financial resources and therefore consideration should be given for inclusion in a future Roads Improvement Programme.

Kerry County Council will place advance warning signs to alert motorists of the undulating nature of the road surface and to urge speed reduction and caution.

We will monitor the roadway and undertake minor repair works, as required, however, the road is urgently in need of more substantial work, which can only be undertaken with significant financial investment.

Cllr. M Kennelly said that he was amazed that this road has not been included in any Roads Programme to date and PROPOSED that it be included in a future Roads Programme.

26. Cllr. M Kennelly: That Kerry County Council carry out road works at the entrance of (Details with Directorate) as the road becomes flooded beside entrance of house.

Reply: The property, in question, is the lowest point in the surrounding landscape. The set-back from the roadway has been constructed to a higher level than the adjacent road and furthermore no reasonable steps have been taken to ensure a clear definition between the set-back the carriageway, the consequence of which, is that surface water lodges on the roadway, ingresses the subsurface of the carriageway, resulting in severe potholing.

Being the lowest property, in the area, it appears that no steps have been taken by the property owner to ensure that water was not or is not prevented, obstructed or impeded from draining into, onto, under, through or to his land from a public road Roads Act 1993 Section 76 (7) (ii).

This is an issue for the property owner to remedy.

Cllr. M Kennelly said that there is no drain at this location to take surface water from the road.

Mr. J Sheahan said that there is an obligation on the property owner to ensure that water is not obstructed from draining through or to his land from a public road.

Mr. JD Flynn said that the conditions of planning permission in this case will be examined.

27. Cllr. M Kennelly: That Kerry County Council carry out works on the roadway at Lisahane, Listowel as the dyke running along the road is causing adjoining land to flood.

Reply: The issue here relates to the draining of land from one property to another through an intervening public road.

A pipe has been laid under the public road to cater for this drainage.

The pipe crossing the roadway for drainage is at sufficient depth to ensure that no land floods.

The property owner, on the upper flank of the roadway, has however deepened drains in his/her field, to a depth lower than the outlet pipe, therefore this is an issue for him/her to resolve.

28. Cllr. M Kennelly: That Kerry County Council as a matter of urgency cut down the trees at the entrance to Lartigue Village, Listowel, as they are completely over grown in height and residents are frightened they will fall on their properties. In addition, the footpath servicing Lartigue Village is also being risen due to these trees and will cause accidents for people travelling it.

Reply: Listowel Municipal District will undertake deep maintenance of the poplars and leylandii on the northern boundary of the entrance road to Lartigue Village in Q4 of the current year.

29. Cllr. M Kennelly: That Kerry County Council carry out an immediate survey of all the street paving and footpaths in Listowel.

Reply: Listowel Municipal District will undertake periodic surveys of the footpaths in the centre Listowel town area and effect repairs accordingly.

Road and Lighting faults can be reported in the following manner.

a) in person: to Listowel Municipal District Operations at Aras an Phiarsaigh, Listowel

b) by phone: ph 068 / 21004

c) by e mail: listowelao@kerrycoco.ie

d) on the website www.fixmystreet.ie

Cllr. A Thornton joined the meeting at this stage and apologised to the Cathaoirleach for her late arrival which was due to her attendance at a meeting of Kerry Local Community Development Committee in Tralee.

30. Cllr. M Kennelly: That Kerry County Council, give an update on progress of the William St. resurfacing works which is to be carried out, and confirm date when works are to commence so as to advise the public especially our rate payers as to how long and what disturbances these works will include.

Reply: The National Roads Authority has allocated Design Funding for pavement improvement works for the above scheme.

Kerry County Council intends to apply for additional funding for traffic calming in William Street, Listowel for these works.

The Scheme will involve improvement works for a length of 240m on the N69 from Main Street/William Street junction to Charles Street/William Street. It will incorporate a 3.5m carriageway with one-way system, the provision of build-outs to facilitate easy access for pedestrians and landscaped areas throughout, pavement overlay and inlay works as required, enhanced public lighting, signage and road markings, accommodation works and all associated ancillary works.

It is envisaged to present the scheme to the public in the next few weeks and Kerry County Council are hoping that the project will be considered at the Listowel Municipal District Meeting in September 2015.

The feasibility report of the scheme is complete and was sent to the NRA for approval. There are two main elements for approval .

- 1). Traffic Calming and Enhanced Pedestrian Facilities
- 2). Pavement Improvement

If financial approval is granted, the scheme will be placed before Listowel Municipal District Meeting in September 2015 for approval.

We will then undertake an engagement with the residents and traders of William Street & Market Street regarding length of works, disruption, amelioration techniques etc.

31. Cllr. M Kennelly: That Kerry County Council carry out restorative and decorative works on the Gale Bridge on the main Listowel/Ballybunion Road.

Reply: Gale Bridge appears to be in good structural order and no grant funding is available for decorative works.

The cost of repainting the parapet railings and doing minor site works is " 1,750 and this project would be suitable for a CSMDOF allocation.

32. Cllr. M Kennelly: That Kerry County Council give an update on the Castleinch area in Listowel originally purchased by Kerry County Council and on future proposals for the area.

Reply: The lands at Castleinch were purchased a number of years ago when the local authority was being requested by the Department of Environment to build up a land bank for social housing purposes. In this regard it was one of a number of land parcels purchased at that time. It was proposed to develop a mixed use development on the site. However with the reduction in capital housing funding over the past number of years, this was not possible.

The lands are presently being evaluated in the context of the government policy to recommence a construction programme and in the context of amended land use regulations which place restrictions on the potential development of the site. There are no immediate plans for development on this site.

Kerry County Council has recently been approached by Listowel Rugby Club and has agreed to give the club an 11 month licence to use the lands as a training facility for its increasing membership in the club.

33. Cllr. A Thornton: Can the County Council confirm whether the Adopt a Road scheme is still available?

Reply: The Adopt a Road Scheme specifically relates to the collection of litter and maintaining a segment of road in a clean condition.

In some areas, groups of residents or within towns and villages, Tidy Town organisations fulfil this role on sections of public roads.

34. Cllr. A Thornton: Can Kerry County Council please update me in relation to queries previously raised by me regarding (Details with Directorate)

Reply: The tenant has previously logged maintenance requests with regard to internal doors and insulation.

She has been informed that the repair and maintenance of the doors are the responsibility of the tenant.

The following is a list of four of the sixteen items for which the tenant has due care.

The Tenants Handbook (page 10) states, The following are the responsibilities of the tenant+

- External and internal doors, locks and handles.
- Window stays, catches, and restrictors.
- Draught proofing of doors and windows.
- Replacement of broken glass.

This property will be included for consideration for funding under the forthcoming insulation programme expected later this year.

The tenant is now seeking paint for the rear and sides of the house but the painting of the property is also the responsibility of the tenant, in accordance with the tenancy agreement.

The householder has been informed accordingly.

35. Cllr. A Thornton: Please confirm who now has responsibility for the issues arising from the Meadows Estate, Listowel and whether any advancements have been made by the Council to resolve serious matters in the estate.

Reply: The Track Road and Meadows Estate are not in the care of Kerry County Council.

In the past, efforts were made 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.

As regards responsibility for issues arising from Meadows Estate, one has to comment that Kerry County Council has no function in this matter as the area is not in the care of the local authority.

36. Cllr. A Thornton: Can the Council provide me with a costing as requested in relation to the bridge at Liscullane, Lixnaw.

Reply: Irrabeg Bridge is situated on the L10101 approximately 700m from the R557. Its structure ID is KY-L2042-01 with an overall length of 12.65m and width of 3.69m. It consists of two spans, one 5.85m and the other 6.02m. The carriageway width on the bridge is 2.72m . 3.07m.

Consultants Engineers, Malone O'Regan McGillicuddy, conducted a structural evaluation of the bridge on the 19th December 2005, the outcome of which identified structural concerns with the bridge which led to a weight restriction of 3tonnes being placed thereon.

The structure consists of abutment, pier and wing wall in masonry and concrete, with a slab/girder deck of reinforced concrete, pre-cast.

The parapet has a reinforced concrete kicked with light steel guardrails.

The carriageway has a surface dressed finish.

The parapet and guardrails have been seriously impacted by traffic and are in an unsafe condition.

There is evidence of cracking and reinforcement exposure on the decking, with some cracking evident in the beams.

The parapet ~~kicker~~ edge beam, up-stands and railings are in need of replacement.

Signage and the riding surface of the deck and bridge approaches require improvement.

The estimated cost of repairing the bridge to a standard where the weight restriction can be removed is " 97,500 - " 102,350.

This level of finance is not available to Listowel Municipal District.

Until the works identified in the Malone O'Regan McGillicuddy report have been undertaken the weight restriction of 3tonne should remain in place.

37. Cllr. A Thornton: Can the Council review the side of the road on the Lixnaw side of Crotta Cross where recent road works were done. There are houses more vulnerable to flooding since those works.

Reply : The works carried out at this location were preparatory works in advance of road surfacing which will be carried out at this location next month.

Once the resurfacing works are complete and the finished levels are established, the area will be assessed and if items such as drainage channels are deemed necessary at that stage they will be provided.

However property owners should be advised of their obligations under the Roads Act 1993 Section 76 (7) (ii)

~~that~~ that water was not or is not prevented, obstructed or impeded from draining into, onto, under, through or to his land from a public road

38. Cllr. J Moloney: Can the wall be completed at the Lidl side of the entrance to Ashgrove to discourage entering of the site in between.

Reply : Listowel Municipal district will undertake the requested works in Q4 of the current year.

Consideration should be given for the future removal of the ditch, erection of fencing and the placing of a hedge on the boundary of the open space fronting the John B Keane Road.

The cost of these works would be in the region of " 6,000 and would be suitable for a Councillor Specific Municipal District Operations Fund allocation.

Cllr. J Moloney said that he had raised this matter previously at a meeting of the former Listowel Town Council.

39. Cllr. J Moloney: The road at Islandganniv Place is starting to split and detach. Is there a short or long term solution for this?

Reply: Kerry County Council will look to undertake remedial works in late 2015 /early 2016

(c) Questions

1. Cllr. J Brassil: Can anything be done regarding the state of the road to (Details with Directorate) as it is a private road, however, it leads to three local authority houses?

Reply : The only facility for undertaking works to a roadway, not in the care of Kerry County Council is, either, through the Hardship and Emergency Fund or a Local Improvement Scheme.

Cllr. J Brassil said that in his opinion the Council should have some responsibility for the road as three local authority houses are located on it.

2. Cllr. J Brassil: Has anything been done regarding the drainage issue outside (Details with Directorate) and the fixing of the boreen leading up from this property?

Reply : Works will be undertaken during the current week.

3. Cllr. J Brassil: Can the house of (Details with Directorate) be inspected for dampness and the appropriate action taken?

Reply: A number of years ago, Kerry County Council engaged a contractor to install a mechanical Ventilation and extraction system to this house.

A motor within the system has now burned out.

The original installers who were based in Galway are no longer functioning.

Kerry County Council is currently trying to find an alternative provider to replace the motor unit.

Furthermore, we have now included this property on a priority list for any proposed upcoming insulation upgrade programme.

The issue here is one of condensation, which requires management with a combination of ventilation, heat and insulation.

Question 4 was moved by Cllr. M Kennelly in conjunction with Item 1 (b) (a).

5. Cllr. M Kennelly: Can Kerry County Council give an update on the Ballygologue Park/ Baile Dubha/ respond to motion which I have tabled re. supplying fence railing on boundary wall of these estates to prevent anti-social behaviour continuing?

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 " 1,000.

The total cost of works to be undertaken is therefore " 7,000

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

KCC Housing Department discussed the matter with Respond Housing Association with a view to sharing the cost.

Respond Housing Association have not committed to the proposal.

The only source of funding available to undertake this work is the Councillor Specific Municipal District Operations Fund and no funding has been pledged by any Councillor through this scheme.

Cllr. M Kennelly expressed dissatisfaction with this reply and said that he would have to consider referring this matter to a meeting of the Full Council.

Mr. J D Flynn undertook to investigate a solution to this issue and to revert to Cllr. Kennelly.

6. Cllr. M Kennelly: Can Kerry County Council give an update with regard to the ESB big green substation box in the Feale Drive estate of Listowel.

Reply: The unit, referred to here, lies north of No12.

The area behind the station is currently being used as a composting location for grass-cuttings.

Isolating the unit from its surroundings could be achieved by attaching 1.8m high anti-climb fencing to the existing boundary walls and providing the necessary access gates.

The only source of finance through which this work can be undertaken is by way of a County Councilors Allocation.

The cost of the project is " 2,800.

The ESB has indicated that the sub station is safe and that its location was a matter for the Local Authority, furthermore there is not commitment, on their behalf, to undertaking works at the locus.

The only source of funding available to undertake this work is the Councillor Specific Municipal District Operations Fund and no funding has been pledged by any Councillor through this scheme.

15.07.13.06 Motions / Questions relevant to other Directorates or issues not relevant to Kerry County Council business

1. Cllr. A Thornton: Can Kerry County Council write to Vodaphone with respect to the abominable service in the North Kerry area and the follow up meetings that were to be held subsequent to the last public meeting in St. Michael's School.

Reply: This is a matter for consideration by the members.

Cllr. R Beasley SECONDED the motion and it was unanimously agreed that this matter would be referred to Vodaphone for consideration.

Cathaoirleach J Moloney asked that reference would also be made to a previous promise by Vodaphone to attend a public meeting in Listowel regarding this matter.

2. Cllr. J Moloney: Eircom were due to remove the 2 phone booths in The Square last March. Can this council contact them to ask them to proceed as planned.

Reply: This is a matter for consideration by the members.

Cllr. R Beasley SECONDED the motion and it was unanimously agreed that the matter would be referred to Eircom for consideration.

15.07.13.07. Date of next meeting

It was agreed that the next meeting of the members of the Municipal District of Listowel would be held in Áras an Phiarsaigh Listowel on Monday 28th September 2015, at 9.30am.

15.07.13.08 Correspondence

It was agreed to note the following correspondence which was circulated.

1.	Letter dated 27 th May, 2015 from the HSE regarding SouthDoc cover in the Listowel area
2.	Letter dated 19 th June, 2015 from the OPW regarding coastal erosion in Ballybunion.
3.	Letter dated 25 th June, 2015 regarding the requirement for surface dressing in the car parking area and the extension of the opening season of Carrigafoyle Castle.

15.07.13.09 Any Other Business

Councillor Specific Municipal District Operations Fund

A discussion took place regarding the allocation of funding from Councillor Specific Municipal District Operations Fund and it was agreed that Mr. J Sheehan would forward a spreadsheet to the members outlining the funding commitments made by them.

Mr. JD Flynn said that an update on ~~€~~Councillor Specific Municipal District Operations Fund would be included in the Operations Health & Safety Report for future Municipal District meetings.

Cllr. L Purtill said that he would allocate " 4,000 towards the provision of public lighting at Rusheen Ballylongford and it was agreed that the six other members of the Listowel MD would each allocate " 1,000 towards this project.

Cllr. J Brassil said that he would allocate " 1,000 towards works on the Ardoughter road in Ballyduff.

Flooding in Banemore.

Cllr. J Brassil asked that an estimate of the cost of works to alleviate flooding in the vicinity of a property at Banemore, Listowel be prepared.

The meeting concluded at 5.20pm.

Beth Reidy

Beth Reidy
Meetings Administrator

Cllr. J. Moloney
Cathaoirleach of Listowel
Municipal District