

**This document has been edited for Data Protection purposes because  
in effect putting it on the Internet is publishing it.  
An unedited paper copy is available on request.**

**MIONTUAIRISCÍ AN CRUINNIÚ DE COMHAIRLE CONTAE CHIARRAÍ  
A THIONÓLADH I gCLUB GAA NA MÍSTÉALLAIGH, TRÁ LÍ, AR AN LUAN, 21 MÉAN  
FOMHAIR 2020**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN  
JOHN MITCHELS GAA CLUB, TRALEE, ON MONDAY, 21 SEPTEMBER 2020**

**PRESENT/I LÁTHAIR  
Councillors/Comhairleoirí**

<b>Tom Barry</b>	<b>Robert Beasley</b>	<b>Michael Cahill</b>
<b>Patrick Connor-Scarteen</b>	<b>Brendan Cronin</b>	<b>Charlie Farrelly</b>
<b>Deirdre Ferris</b>	<b>Jim Finucane</b>	<b>Breandán Fitzgerald</b>
<b>Fionnán Fitzgerald</b>	<b>Seamus Fitzgerald</b>	<b>John Francis Flynn</b>
<b>Cathal Foley</b>	<b>Michael Foley</b>	<b>Michael Gleeson</b>
<b>Donal Grady</b>	<b>Jackie Healy-Rae</b>	<b>Johnny Healy-Rae</b>
<b>Niall Kelleher</b>	<b>Michael Kennelly</b>	<b>Sam Locke</b>
<b>Dan McCarthy</b>	<b>Jimmy Moloney</b>	<b>Marie Moloney</b>
<b>Norma Moriarty</b>	<b>Niall O'Callaghan</b>	<b>Bobby O'Connell</b>
<b>Michael O'Shea</b>	<b>Mikey Sheehy</b>	<b>Aoife Thornton</b>
<b>Johnnie Wall</b>		

**IN ATTENDANCE/I LÁTHAIR**

<b>Ms. M. Murrell, Chief Executive</b>	<b>Mr. C. O'Sullivan, Dir. Rds, Trspn &amp; Marine</b>
<b>Mr. M. Scannell, Dir. Job Cr/Sust. ED</b>	<b>Mr. J. Breen, Director Water Services</b>
<b>Mr. M. O'Donoghue, Director Housing</b>	<b>Ms. A. McAllen, Head of Finance</b>
<b>Mr. C. O'Connor, Director Corp. Servs.</b>	<b>Mr. J. Kennelly, A/Dir. Of Service</b>
<b>Mr. P. Corkery, Meetings Admin'r.</b>	<b>Mr. O. O'Shea, Press Officer</b>
<b>Ms. D. Griffin, SO Corporate</b>	<b>Ms. O. O'Shea, CO Corporate</b>
<b>Mr. D. Ginty, A/Senior Planner</b>	<b>Mr. G. O'Brien, A/SEO Environment</b>
<b>Mr. D. O'Malley, Snr. Exec. Planner</b>	<b>Ms. L. O'Carroll, Assistant Planner</b>

The meeting commenced at 12.45 p.m.

Cllr. Patrick Connor Scarteen, Cathaoirleach, took the Chair.

**Vote of Sympathy**

Cathaoirleach Patrick Connor-Scarteen expressed a Vote of Sympathy to the O'Halloran family on the passing of Mr. P.J. O'Halloran, Killarney.

Cllr. Michael Gleeson expressed a Vote of Sympathy to the Shanahan family on the passing of Mr. John Shanahan, Kilflynn.

**21.09.2020.01 Protocols/Induction**

Mr. C. O'Connor, Director of Service, referred Elected Members to the Protocols for Kerry County Council meetings held in John Mitchels GAA Club, Tralee, during COVID-19 which had been circulated. The protocols are based on national guidelines and public health guidance. He gave an overview of the protocols, highlighting the symptoms of COVID-19, hand hygiene and social distancing procedures and the time limit for meetings.

### **21.09.2020.02 Cathaoirleach's Reports on CPG meeting**

The Cathaoirleach's report on the CPG meeting held on 15 September 2020, which had been circulated, was noted by the Members.

### **21.09.2020.03 Confirmation of Minutes**

On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Jim Finucane, it was resolved that the minutes of the July Ordinary Meeting of Kerry County Council held on 20 July 2020 be confirmed.

### **21.09.2020.04 Chief Executive's Report to Council**

The Chief Executive's report for the month of September 2020, which had been circulated, was noted by the Elected Members.

Cllr. Mike Kennelly expressed his disgust with the service provided by Irish Water, pointing out that Listowel town has been without water eight times this year. Irish Water could not be contacted at the time of these water outages. He urged the Chief Executive to keep a focus on the recruitment of a Recreation Officer for North Kerry.

Cllr. Michael Foley reiterated concerns expressed at a recent Municipal District meeting in relation to the Listowel Roads Maintenance Budget. There is concern that again this year that funding will not be available for maintenance works during the month of December.

Cllr. Jackie Healy-Rae commended the work of the staff of the Local Enterprise Office on processing Business Re-start Grant applications and requested that applications from publicans be prioritised as they work on re-opening their business.

Cllr. Donal Grady pointed out that Armagh House in Killarney, an Approved Housing Body Homeless Unit, is nearing completion. He asked for an update on the development of the landbank in Killarney, adding that there is a need for an Affordable Housing Scheme. He welcomed the Rock Road Improvement Scheme.

Cllr. Sam Locke asked if Kerry County Council has finance to complete the Housing Programme.

Cllr. Marie Moloney referred to the replacement of water mains and the many water breaks being experienced in Killarney Municipal District. She asked that Kerry County Council continue its engagement with Irish Water to secure funding for the Killarney area and, in particular, Farranfore. She welcomed the number of housing units provided by Clúid in Killarney. She pointed out that if Kerry County Council were constructing housing developments, the housing units could be built to specifications that would meet the needs of people with disabilities.

Cllr. Robert Beasley referred to the damage caused to roads in North Kerry due to the weather during July and August and he called for additional funding to be provided for secondary and tertiary roads in the North Kerry area. He asked that Kerry County Council would consider each request for housing repairs on its own merits as many tenants are on limited income and need these repair works done.

Cllr. Niall Kelleher asked if an update has been received regarding Local Government Management Services engagement with the Department in relation to businesses that did not submit a Business Restart Grant application on time. He outlined that Irish

Water has tendered for machinery plant hire for the repair of water breakages and he expressed concern that this may negatively impact on repair times of breakages experienced in the county.

Cllr. Michael Gleeson expressed concern regarding the collapse of a vitally important road at L3009-23 at Knockacullig South, Kilcummin, a section of the county road from the N22 at Lawlors Cross to Anablaha.

Cllr. Tom Barry supported comments regarding the condition of the road network in North Kerry. He asked that Kerry County Council would work closely with An Garda Síochána regarding anti-social behaviour associated with Halloween as communities suffered terribly last year.

Cllr. Michael O'Shea welcomed the award of contracts with a total value of €24m for housing developments in Tralee and Killarney. He referred to a voluntary housing development of 60 houses to be constructed and said there is no variation in house style/type, with 3/4 bed units being provided. He asked that housing developments would include units suitable for single persons.

Cllr. Mikey Sheehy asked that the protocol regarding a two-hour time limit for council meetings would be reviewed. He requested that applications from publicans be prioritised as they work on re-opening their business with effect from today. He asked if there is a timeframe for the development of the County Enterprise Marketing Plan being developed by Kerry County Council in association with Kerry Scitech and if this plan will include the promotion of Kerry as a home working hub.

Cllr. Johnny Healy-Rae supported the request for a review of the two-hour time limit for council meetings. He referred to roads damaged on the Ring of Kerry following recent flooding and asked for an update on funding for repair of same. He asked if Kerry County Council has made an application to the OPW for a Minor Works Programme and if a response has been received. He supported the call for minor housing repairs to be undertaken by Kerry County Council, in particular for elderly tenants that are living alone. In relation to the Irish Water tender for plant hire, he said he is a Director of a company that does work for Irish Water, and Irish Water are tendering for one plant hire contractor per county/number of counties. Presently contractors are on one hour's notice to respond to water breakages, with repairs done within 8-12 hours. Under the Irish Water tendering system, critical services, such as hospitals and nursing homes, could be without water for long periods of time.

Cllr. John Francis Flynn asked for an update on the survey of Castlemaine Harbour as funding is dependent on that survey. He supported the call for minor housing repairs to be undertaken by Kerry County Council. He asked for an update on an online Diaspora Conference. He asked for clarification on the requirement of contractors working for Irish Water to purchase special equipment and train staff to do welding on water mains.

Cllr. Niall O'Callaghan asked that a report from the Tourism Task Force would be presented to the Elected Members at every monthly meeting. He asked that complaints regarding leaking baths in new Council houses would be followed up.

Dúirt Cllr. Breandán Fitzgerald “Caithfidh mé a rá go bhfuilim go hiomlán taobh thiar de agus a thabhairt thacaíocht do Todhcaí na Gaeltachta - Todhchaí na Tuaithe atá ag agóidíocht ag geataí an halla seo. Thaispeánamar go léir tacaíocht agus muid ag

teacht isteach anseo ach tá sé an-tábhachtach agus ár gcuid post labhairt ar na hábhair seo ag ár gcruinniú. Is é atá á lorg ag Todhcaí na Gaeltachta - Todhchaí na Tuaithe agus an cearta daonra atá ag gach éinne ná go bhfuil seans acu teach a thógáil ina gceantair dhúchais féin. Agus muna bhfuil an Chomhairle Contae chun tithíocht a cur ar fáil do mhuintir na tuaithe agus do mhuintir na Gaeltachta ansin caithfidh siad cead a thabhairt dóibh tithe a thógáil ar a dtalamh féin ina baile fearainn féin. Muna bhfuil daoine againn atá ina gcónaí inár Gaeltachtaí, ní bheidh ár Gaeltachtaí ná ár dteanga dhúchais again. Tá a fhios agam go bhfuil cás aonair ann agus nach féidir leat labhairt faoi chásanna aonair, ach iarraim ort agus impím ort réiteach a fháil don chás seo.”

Cllr. Breandán Fitzgerald said he supports the ‘Future of the Gaeltacht - the Future of the Country’ who are protesting at the gates of this hall today. We have all shown support in coming in here but it is very important and our job is to speak on these topics at our meeting. What Todhcaí na Gaeltachta - Rural Future and the population rights of everyone is looking for is that they have the chance to build a house in their own home area. If the County Council is not to provide housing for the people of the countryside and for the people of the Gaeltacht then they must allow them to build houses on their own land in their own townland. If we do not have people living in our Gaeltachts, we will not have our Gaeltachts or our native language. He acknowledged that there is an individual planning case which cannot be discussed, but asked that Kerry County Council find a solution to this situation.

Cllr. Brendan Cronin agreed with the sentiments expressed regarding the Irish Water repair service. There is great concern in Killarney Municipal District as a number of water breaks are being experienced, with particular issues in Ballymalis and Killarney Town Centre areas, and investment is needed in the water network. He complimented the staff of the Water Services Section of Kerry County Council for their work whenever there is a water break. He welcomed the provision of housing in Killarney by the Clúid Approved Housing Body. He asked that the issue with the boundary fence at the Doirín Álainn housing development be resolved and the boundary fence secured.

Cllr. Charlie Farrelly referred to hedgecutting undertaken on behalf of Kerry County Council by an out of county contractor where Japanese Knotweed on the roadside was cut, along with signs advising of the presence of Japanese Knotweed.

The Chief Executive said in relation to the Greenway Marketing Plan, an application is being compiled by LEADER which may provide an avenue for funding for a Recreation Officer for North Kerry. With regard to the Restart Grant, the Local Enterprise Office has been very active in turning around grants for all sectors and most applications from publicans have been processed and paid, including the 40% top up.

She referred to the existing Affordable Housing Scheme and outlined that it does not allow for the qualification of Affordable Housing. The Killarney landbank, like all lands in Kerry County Council’s ownership, is under review. Kerry County Council does have finance in place to fund the Housing Programme. Government policy is shifting towards the provision of 1/2 bed units and will be reviewed in the context of the 2020-2021 Housing Programme. With regard to Rebuilding Ireland, Kerry County Council’s numbers are very high in terms of its own construction programme in the county. The Approved Housing Bodies are critical to the delivery of the programme in the county.

In relation to the Roads Budget, at this time of the year while this budget is under pressure right across the county, it is important that the Roads Programme is progressing, and it is expected it will be completed by year end. She accepted the comments regarding housing maintenance. This is a budgetary issue and the level of maintenance will be critical in the context of Budget 2021. She said a campaign will be run in relation to fire safety at Halloween as was done in previous years.

The Chief Executive acknowledged the frustrations of Elected Members in relation to adherence to the two-hour time limit for meetings. However, guidance from Fáilte Ireland in relation to public meetings and guidance from the LGMA in relation to Council meetings is that a two-hour time limit applies. She said the use of an online forum for briefings/presentations was discussed with CPG and will be considered further.

The County Enterprise Marketing Plan is being developed and expected to be published in Quarter 1 of 2021. It is hoped to have work complete on a remote working marketing campaign in the next few weeks.

The Irish Water tender for contractors is also a consideration for the executive, and Kerry County Council have engaged with Irish Water on this matter. Under the current arrangement the turnaround times on water breakages have worked very well and it is critical to maintain quick turnaround times.

An online Diaspora Conference will be held in the coming months. The Killarney Gateway Plan is reliant on the work of the Local Authority and Fáilte Ireland continues to work closely with Kerry County Council on this Plan.

In relation to planning in Gaeltacht areas, and individual case cannot be discussed. Rural settlement will be discussed as part of the review of the County Development Plan.

#### **21.09.2020.05 Variation No. 3 of the Listowel Town Development Plan 2009-2015 (as extended)**

Mr. P. Corkery, Meetings Administrator, reminded Councillors of their duties under the ethics legislation and in particular of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must:

- (1) Disclose the nature of his/her interest or the fact of a connected person's interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

There can be no discussions with people in the public gallery while the meeting is in progress.

Mr. M. Scannell, Director of Service, referred Elected Members to the Chief Executive's report on submissions received for proposed Material Alterations to

proposed Variation No. 3 of the Listowel Town Development Plan 2009-2015 (as extended), which had been circulated, and outlined the following:

### **1. Variation no.3 to the Listowel Town Development Plan 2009-2015**

A Planning Authority may at any time, for reasons stated, decide to make a variation of a Development Plan. The procedure for such a variation is set out in Section 13 of the Planning and Development Act 2000 as amended by Section 10 of the Planning and Development (Amendment) Act 2010.

The Listowel Town Development Plan 2009-2015 was adopted by the former Town Council on the 11th May 2009 and came into effect on the 8th June 2009. The Plan was extended in accordance with Section 11 of the Planning & Development Act 2000 (as inserted by Section 28 of the Electoral, Local Government and Planning and Development Act 2013).

### **2. Public Consultation**

In accordance with Section 13(2) of the Planning and Development Act 2000 (as amended) Notice of the proposed Variation, SEA environmental Report, the Habitats Directive Assessment/ Natura Impact Report and the Strategic Flood Risk Assessment were published in a local newspaper and invited observations and submissions. Copies of the proposed Variation and Environmental Reports were placed on display for public inspection from **31<sup>st</sup> October to 13<sup>th</sup> December 2019 (both dates inclusive)**. An open day for members of the public was held in the Listowel Civic Offices on the 21<sup>st</sup> November 2019.

### **3. Statutory Bodies**

Under Section 13(2) and 20(1) of the Planning and Development Act 2000 (as amended) the Planning Authority is required to consult the prescribed authorities listed under Part 3 Section 13 of the Planning and Development Regulations 2001 (as amended) and those prescribed for SEA under the Planning & Development Regulations 2001, as amended.

Mr. Scannell, Director of Service, said it is important to note that this plan has been through a significantly lengthy process to reach this stage, which is to consider variations that were proposed at a meeting where the draft variation was considered by the Elected Members. Elected Members are now confined to dealing with submissions that deal with the variation that was on public consultation over the last number of weeks. This plan is compiled within the national planning framework. Planning proposals must be consistent with the national planning framework. One of the significant items within the national planning framework is to secure more compact forms of urban development and to reduce sprawl. This is important in relation to Government policy at this time. Any significant departure from this could attract the intervention of the Planning Regulator. Under Section 13 of the Planning and Development Act 2000 (as amended), at this stage of the statutory process, a further modification shall not take place for zoning of land for the material variation.

Mr. M. Scannell, Director of Service, said Mr. D. Ginty, A/Senior Planner, would outline the submissions received that relate to the material alteration of the Listowel town Development Plan 2009-2015 (as extended).

Mr. D. Ginty, A/Senior Planner, referred Elected Members to the Chief Executive's report on submissions received for proposed Material Alterations to proposed Variation No. 3 of the Listowel Town Development Plan 2009-2015 (as extended) and outlined the submissions received.

#### **4. Submissions Received**

There were 63 number of submissions received during the public consultation period relating to the draft proposed Variation no.3.

The Chief Executives Report and Recommendations on Submissions were presented and considered at the County Council Meeting held on the 15<sup>th</sup> June 2020. The material alterations/amendments approved by the Elected Members went out for public consultation between **Thursday 25<sup>th</sup> June and Friday 24<sup>th</sup> July 2020** and were advertised in the Kerry's Eye newspaper on **Thursday 25<sup>th</sup> June 2020**.

19 no. submissions on the proposed material alterations were received during the consultation period.

#### **5. Environmental Assessments**

##### **5.1 Strategic Environment Assessment (SEA)**

Further to the SEA of the material alterations of the proposed variation no. 3 to the Listowel Town Development Plan 2009-2015, as detailed in the SEA ER Addendum report; the proposed modifications to the material alterations have been assessed. On adoption of the proposed variation no. 3, an SEA Statement will be produced which will summarise the SEA of the proposed variation no.3 of the Listowel Town Development Plan 2009-2015 in accordance with the Planning and Development 2001 Regulations, as amended.

##### **5.2 Habitats Directive Assessment (HDA)**

A HDA is an assessment of the potential for impact on Natura 2000 sites which are nature conservation sites of international importance. A Combined HDA was undertaken for the proposed 3<sup>rd</sup> Variation of the Listowel Town Development Plan 2009-2015 (as extended) and the proposed Listowel Municipal District Local Area Plan 2019-2025. This approach facilitated the assessment of potential cumulative and in combination effects. The HDA reports prepared by the Environmental Assessment Unit are adopted as those of Kerry County Council.

##### **5.2.1 HDA recommendations**

The HDA Addendum report dated June 2020 which incorporated an assessment of the proposed material alterations to the MDLAP and 3<sup>rd</sup> Variation, recommended the following in respect of Material Alteration No 16 to the proposed 3<sup>rd</sup> Variation:- that that a 15m buffer area be provided within the proposed residential zoning where it adjoins the Lower River Shannon SAC, and the inclusion of the following related objective:-

- It is an objective of the Council to ensure that the 15m buffer area located within R1 New/Proposed Residential zoned lands is maintained as an active or passive open space area incorporated within any proposed residential development on adjoining lands to the north, so as to safeguard the conservation interests of the woodland and its setting.

The CE report on the submissions received for the proposed material alterations to the 3<sup>rd</sup> Variation to the Listowel Town Development Plan recommends inclusion of the above development objective as a suitable mitigation measure.

##### **5.2.2 HDA Determination**

The proposed land use plan, as recommended in the CE Report and incorporating the recommended Material Alterations, in combination with other plans or projects, is not likely to adversely affect the integrity of a European site.

### 5.2.3 Reasons for Determination

For the most part potential for significant effects and adverse impacts can be ruled out due to the benign nature and limited scale of the proposed amendments from a Habitats Directive Assessment point of view. In relation to Material Alteration Number 16 to Variation Number 3 to the Listowel Town Development Plan 2009-2015 it is considered that the rezoning of these lands is acceptable subject to the recommendations as outlined above. It is considered that these would protect the conservation interests of the Spa Well Ridge Woodland (Bluebell Woods) and ensure that any potential significant and adverse impacts on the Lower River Shannon SAC and other Natura 2000 sites would be avoided, with certainty. This assessment takes into consideration the potential for cumulative and in combination effects.

6. Additions to the text of the Listowel Town Development Plan 2009-2015 and proposed variation no. 3 are in **bold italics** with deletions in ~~strikethrough~~.

#### **Written Submission No.1: Office of the Planning Regulator (OPR)**

---

**Submission:** The OPR is satisfied that that the material alterations are consistent with national and regional policy and section 28 guidelines.

In relation to Amendment 15 which proposes to re-zone land surrounding Feale View House as R2, the planning authority is advised to modify amendment 15 to provide for an appropriate 15m buffer zone in accordance with the recommendations of the authority's NIR Addendum.

#### **Response;**

The NIR associated with the proposed amendments to the Variation No 3 to the Listowel Town Development Plan 2009-2015 does not recommend modifications to proposed amendment No 15. The misunderstanding results from an amendment numbering error on page 16 of the NIR. The buffer zone referred to relates to amendment No. 16 (Zoning of lands as R1 at Golf View) and has been incorporated into the zoning proposal.

As outlined in the NIR, the proposed zoning as outlined in amendment 15 seeks to reflect the existing land use. It is further noted that S14.3 of the plan outlines that within such zonings, development proposals are required to be assessed taking into consideration the potential for impact on sites of nature conservation importance. It is considered that the above is sufficient to ensure that adverse impacts on the Lower River Shannon SAC will be avoided, with certainty. This assessment takes into consideration the potential for cumulative and in combination effects.

**Recommendation:** No amendment.

#### **Written Submission No.2: Environmental Protection Agency (EPA)**

---

**Submission:** The submission states that Kerry County Council should ensure that the findings and recommendations of the SEA and Habitat Directive Assessments are fully incorporated, as appropriate, into the amended Plan and Variation prior to their adoption.

**Response:** The Planning Authority welcomes the submission. The SEA and Habitat Directive Assessments conclude that there are no significant effects on the environment.

**Recommendation:** No amendment.

### **Written Submission No.3: Transport Infrastructure Ireland (TII)**

---

#### **Submission:**

The submission relates to proposed material alteration No.14 which seeks to re-zone lands from (P1) Agriculture to (G4) Active Open Space at Ballygrenane.

The submission states that the lands adjoin the N69 where a 50 – 60kph speed limit applies and that there are no pedestrian footpaths or facilities for vulnerable road users along the route to the subject lands. As the section of road concerned is a national secondary road, pending completion of the N69 Listowel Bypass Scheme, access to the lands concerned for vulnerable road users will need to be carefully considered. TII state that safe access for all vulnerable road users should be developed and that any agreed proposals should be subject to a Road Safety Audit. Additionally, access proposals should comply with the requirements of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines.

**Response:** Kerry County Council will ensure that all developments comply with the Spatial Planning and National Roads Guidelines (2012) and in particular sections 2.5, 2.7 and 2.11. A full traffic impact assessment will be undertaken to ascertain the implications of traffic generation, resulting from any development proposal on these lands and any subsequent design will be subject to a road safety audit.

#### **Recommendation:**

No amendment to the proposed variation.

### **Written Submission No.4: John Barrett**

---

#### **Submission:**

The submission relates to proposed material alteration No.6 which seeks to re-zone lands from (R1) Proposed Residential to (O1) White Lands on Track Road/to the rear of Bridge Road. It is requested that the lands revert back to the proposed residential zoning in order to enable the development of the site for residential use while improving both pedestrian and vehicular access to the area.

#### **Response**

These lands have been identified as a flood risk under the OPW CFRAM Study. It is proposed to re-zone lands from (R1) proposed residential to (O1) White Lands and to include these lands within the Castleinch Masterplan Area. It is imperative that this site and adjacent lands are all developed in a coordinated and sustainable manner taking into consideration the identified flood risk.

**Recommendation:** No amendment to the proposed variation.

### **Written Submission No.5: Mary O'Connell**

---

#### **Submission:**

The submission relates to proposed material alteration No.3 which seeks to re-zone lands from (R1) proposed residential to (R4) Strategic Residential Reserve at Greenville Road. The submission is made on behalf of John & Kay Sayers. It is requested that the proposed zoning for these lands to be revised to (R1) / (R2) Proposed / Existing Residential Zoning as these lands are located adjacent to existing residential properties, fully serviced and suitable to be developed by virtue of its small compact size.

**Response:** The Planning Authority acknowledges the content of the submission. The Planning Authority re-examined the proposal to zone this land as (R1) Proposed

Residential use in the context of the previous submission received from the Office of the Planning Regulator and the number of submissions relating to other lands, received from the general public. It is considered that other undeveloped lands in Listowel sequentially closer to the town centre should be advanced first for development and that the lands at Greenville (though contiguous to an established residential area) are not required for residential development at the current time hence the (R4) Strategic Reserve zoning. It is also considered that the zoning of these lands would exceed the amount of land required in the Core Strategy as contained in the County Development plan 2015-2021.

**Recommendation:** No amendment to the proposed variation.

**Written Submission No.6: Pat Tobin**

---

**Submission:**

The submission relates to amendment No.4 and the zoning of lands as (P1) Agriculture adjacent to Kenny Heights. The submission requests that the (R1) proposed residential zoning in the original draft variation be kept in place, and that this could facilitate the development of a small number of dwellings. It is stated that this proposed development would be accessed via Kenny heights.

**Response:**

These lands are located at the end of a residential cul-de-sac on the peripheral edge of the town. Having regard to the submission received from the Planning Regulator, it is considered that from a sequential perspective that other undeveloped lands in Listowel should be advanced first for development and that the lands at Kenny heights (even though contiguous to an established residential area) are not required for residential development at the current time.

It is also considered that the zoning of these lands for residential use would exceed the amount of land required in the Core Strategy as contained in the County Development plan 2015-2021.

**Recommendation:** No amendment to proposed variation.

**Written Submission No.7: Garrett Tobin**

---

**Submission:** The submission relates to the proposed new zoning adjacent to Kenny Heights (amendment No.4) and Golf View/Gurtenard (amendment No.16).

The submission requests that the proposed (R1) for Kenny Heights in the original draft be kept in place, as the Golf View development will not need the entire 2.7 ha in a single phase. It is suggested that a phased zoning for both sites would allow all properties to be developed.

**Response:** The zoning of both parcels of lands adjacent to Kenny Heights and Golf View as (R1) proposed residential would exceed the amount of land required in the Core Strategy as contained in the County Development plan 2015-2021. See also the response to submission no.6.

**Recommendation:** No amendment to proposed variation.

**Written Submission No. 8: Audrey Galvin**

---

**Submission:** The submission relates to amendment No.4 and the zoning of lands as (P1) agriculture adjacent to Kenny Heights. The submission has no objection to limited development on the site and also withdraws the previous submission on the draft variation.

**Response:** See the response and recommendation to submission no 6 and 7.

**Written Submission No.9: Donal Daly**

---

**Submission:** The submission relates to amendment No.4 and the zoning of lands as (P1) agriculture adjacent to Kenny Heights. The submission supports the development of the site subject to a limit on the number of dwellings.

**Response:** See the response and recommendation to submission no 6 and 7.

**Written Submission No. 10: David Barrett**

---

**Submission:** The submission relates to the proposed new zoning (R1 proposed residential) in Golf View/Gurtinard (amendment No.16) and its adjacent area. It is stated that the balance of development in the draft plan is entirely focussed on one main development. The area including Gurtinard Wood, the area around Golf View, Kenny Heights, the Greenway and the river walk all need to be considered as one complete cohesive plan. It also states that development of the R4 lands in the plan will be delayed as the R1 zoning in Golf View is too large.

**Response:** It is considered that the continued development of lands at Golf View/Gurtinard is appropriate and sustainable as it is contiguous to an established residential area and fully serviced.

**Recommendation:** No amendment to proposed variation.

**Written Submission No.11: John Kennelly**

---

**Submission:** The submission relates proposed new zoning in Golf View/Gurtinard (amendment No.16). The submission recognises the need for land to be zoned residential in Listowel Town. It is stated that in order to preserve the continuity of the area it is suggested that only bungalows similar to adjacent residential units be permitted in the section which borders the existing estate.

**Response:** It is a requirement under sections 9.1.2 and 15.4 of the Town Development Plan to require the preparation and submission of an Urban design Statement for any development of four or more dwellings. The statement must demonstrate how the proposal has taken into account the context and setting of the area and how this has been addressed in the design of the development. A design restriction, restricting a residentially zoned site to a particular dwelling type, height or density mitigates against the optimum development of the site and would be contrary to the Ministerial Guidelines “Sustainable Residential Development in Urban Areas”.

**Recommendation:** No amendment to proposed variation.

**Written Submission No. 12: Patricia & Gerry Dunne**

---

**Submission:** The submission relates to the proposed new zoning in Golf View/Gurtinard (amendment No.16). The submission recognises the need for land to be zoned residential in Listowel Town. It is stated that in order to preserve the continuity of the area it is suggested that only bungalows similar to adjacent residential units be permitted in the section which borders the existing estate.

A further concern is the likely continued access to this site via the Kenny Heights estate.

**Response:** See the response and recommendation to submission no 11. In addition, a full traffic impact assessment will be undertaken as part of the development management process to ascertain the implications of traffic generation, resulting from any development proposal.

**Recommendation:** No amendment to proposed variation.

**Written Submission No.13: Ina Baumann & Bill Kissane**

---

**Submission:** The submission relates proposed new zoning in Golf View/Gurtinard (amendment No.16). The submission recognises the need for land to be zoned residential in Listowel Town. It is stated that in order to preserve the continuity of the area it is suggested that only bungalows similar to adjacent residential units be permitted in the section which borders the existing estate.

**Response:** See the response and recommendation to submission no 11.

**Written Submission No.14: Daisy Foley**

---

**Submission:** The submission relates to the proposed new zoning in Golf View/Gurtinard (amendment No.16). The submission recognises the need for land to be zoned residential in Listowel Town. It is stated that in order to preserve the continuity of the area it is suggested that only bungalows similar to adjacent residential units be permitted in the section which borders the existing estate.

**Response:** See the response and recommendation to submission no 11.

**Written Submission No. 15: Denis Mulvihill**

---

**Submission:**

The submission relates to amendment No.4 and the zoning of lands as (P1) agriculture adjacent to Kenny Heights. The submission requests that the proposed R1 for Kenny Heights in the original draft be kept in place, as the site is close to town with amenities and walks.

**Response:**

See the response and recommendation to submission no 6 and 7.

**Written Submission No. 16: Nicola Simpson**

---

**Submission:** The submission relates to many issues including proposed material alterations No. 15 (Feale View House) & 16 (Golf View).

The submission states that these alterations change the nature of the entire future town development and as such should have been part of the original draft town plan that went on display.

The submission states that the zoning of Golf View and its subsequent development should proceed with caution and in a limited capacity.

It states that Amendment No 16 has the potential to impact housing supply and road/pedestrian traffic including on walkways and in adjoining parks. It states that the town park and Garden of Europe walking paths may face increased traffic and may lose their tranquil nature. The submission requests mitigating options are developed to calm traffic and manage the greenway and its connections.

**Response** The development of these lands will be subject to the design criteria outlined in the *Design Manual for Urban Roads and Streets* which takes into account vulnerable road users such as pedestrians and cyclists. These lands are also located

outside the existing town park and Gurtinard Wood, therefore the impact of their development on the sites will be negligible.

**Recommendation:** No amendment to the proposed variation.

**Written Submission No. 17:                      Brendan Nolan**

---

**Submission:** The submission is made on behalf of Mr Billy Sheehy and relates to lands at Model Farm, Curraghtoosane on the Ballybunion Road. It is requested that these lands be zoned Commerce/industry/Enterprise/Economic Development (C1-C7).

**Response:** The submission is noted. This submission does not relate to any of the proposed Material Alterations.

In addition, in accordance with Section 13 of the Planning and Development Act an increase in the area of land zoned for any purpose cannot be made at this stage of the statutory process.

**Recommendation:** No amendment.

**Written Submission No. 18:                      Kate Carmody**

---

**Submission:** The submission relates to the amendment No.8 and its impact on Listowel town and the adjacent area. It is stated that the construction of the N69 Bypass will result in a flood risk as the road is through a major flood plain.

**Response** Permission for the N69 Listowel By-pass has been granted by An Bord Pleanála. Proposed amendment No.8 seeks to ensure that lands required for the approved N69 Bypass are retained free from development. It is essential that this objective is included in order to ensure the delivery permitted scheme.

**Recommendation:** No amendment to the proposed variation.

**Written Submission No. 19:                      Edward O’Sullivan (Solicitors)**

---

**Submission:** The submission is made on behalf of Mr Billy Sheehy and relates to lands at Model Farm, Curraghtoosane on the Ballybunion Road. It is requested that these lands be zoned Commerce/industry/Enterprise/Economic Development (C1-C7).

**Response:** The submission is noted. This submission does not relate to any of the proposed Material Alterations.

In addition, in accordance with Section 13 of the Planning and Development Act an increase in the area of land zoned for any purpose cannot be made at this stage of the statutory process.

**Recommendation:** No amendment.

**Chief Executives Recommendation:**

It is recommended that the proposed Material Alterations to the Listowel Town Plan 2009-2015 (as extended & varied) be adopted.”

Cllr. Mike Kennelly sought clarification on the role of the Planning Regulator in this process. He asked if there are additional lands in Listowel to be developed as it appears that all lands currently zoned are sold and not available for development. He asked for clarification regarding lands at Curraghtoosane and if these are serviced lands.

Cllr. Jimmy Moloney asked (1) what is the role of the Planning Regulator in this process, (2) how it relates to the zoned land in Listowel and far from town, (3) Are lands at Curraghtoosane serviced lands?, (4) When can this plan be reviewed again? (5) What is the status of this plan if the proposed variation is not adopted today?

Cllr. Aoife Thornton asked for clarification on the following in order to make a decision on the proposed variation. (1) That correspondence issued make it clear what can be done at each of the process, to dispel any confusion. (2) That the Masterplan for Castleinch is fast tracked as soon as possible. (3) Clarification regarding the sewer serving lands at Curraghtoosane. (4) What is the role of the Planning Regulator in relation to some lands on the Ballybunion Road, Curraghtoosane. (5) How much land is zoned for industry in Listowel Town and is it serviced. Is enough land zoned for industry to meet the need of Listowel Town. If required, can more land be zoned for industry?

Cllr. Deirdre Ferris said as she is not from Listowel Municipal District she is taking guidance from Cllr. Robert Beasley and Cllr. Tom Barry. She objected to the requirement whereby she is to vote on a process that she was not involved in and asked that this process be reviewed for future plans.

Cllr. Robert Beasley said there has been confusion regarding state owned lands in Listowel with Elected Members originally being told there was 23ha available, but now he is led to believe this land has been sold and is no longer available. He asked for clarification on his understanding that in the event of an industry wishing to locate in Listowel that a material contravention could be undertaken to obtain the lands necessary and this process could take from six weeks to three months. He asked for clarification to be provided to questions posed by former speakers.

Cllr. Michael Foley sought clarification on the role of the Planning Regulator, outlining that his understanding was that the Planning Regulator had an advisory role yet they appear to be dictating policy, which will also affect the County Development Plan. He asked what process will apply should an industry wish to locate in Listowel and lands that are currently zoned as industry are not made available.

Cllr. Niall O'Callaghan supported comments made by Cllr. Ferris regarding this process. He asked for clarification regarding the sewer serving lands at Curraghtoosane.

Cllr. Johnny Healy-Rae supported comments made by Cllr. Ferris regarding the lack of involvement of Elected Members outside Listowel Municipal District on this process. He said the Planning Regulator does not have an understanding on the rural way of life. He asked that clarification be provided to questions asked in order that Elected Members can make an informed decision on this matter.

Cllr. Cathal Foley said tribunals have been held in relation to planning matters, which is the reason why the Planning Regulator was put in place. He asked for clarification that it is an option to de-zone lands if land is being held up by developers.

Cllr. Niall Kelleher supported comments regarding the consultation process when Full Council is involved in the decision on the matter. He asked that answers be provided to questions asked by other speakers in order to guide Elected Members in their decision.

Cllr. Brendan Cronin said the Planning Regulator is to dictate Government policy on planning to Local Authorities. He said he believes the Planning Regulator does not have a grasp of the situation on the ground. He expressed concern that there are too many queries being raised on this matter, when normally such queries have been agreed with the Elected Members of the relevant Municipal District before the decision comes to Full Council. He asked that this matter be deferred until there is agreement with the Listowel Municipal District Members.

Cllr. Michael Cahill supported the calls for clarification, particularly in relation to the servicing of lands at Curraghtoosane. He said this matter should be deferred in order to provide full information to Elected Members.

Cllr. Jim Finucane said the appointment of a Planning Regulator was brought about following tribunals that cost the country millions. It is in the common good of the county that we must operate, not on the basis of developer or potential developers.

Cllr. Jackie Healy-Rae said Elected Members outside of Listowel Municipal District have not been consulted in relation to this matter and are now being asked to vote. He agreed with the request to defer this item.

Cllr. John Francis Flynn agreed with comments by Cllr. Cronin and said there have been too many claims and clarity has not been provided. The Elected Members must have the facts if they are to vote on this matter.

Cllr. Michael Foley said if clarity is provided to the questions raised then Elected Members should be in a position to vote on this matter today.

Cllr. Jimmy Moloney seconded this.

Cllr. Michael Gleeson said he cannot vote on this matter unless clarity is provided and the Listowel Municipal District Members are in unanimous agreement.

Mr. M. Scannell, Director of Service, said the process starts with a draft variation of the Plan. Submissions are sought on the draft variation. These are then summarised in the Chief Executive report together with the recommendations of the Chief Executive. This report was circulated to all members prior to consideration. This report was discussed and adopted at a Council meeting and material alterations went on public display.

At this meeting a portion of land that was not in the draft plan was brought forward by motion. A number of reasons were given at that meeting as to why those lands were not suitable for development and inclusion in the Town Plan. This motion was subsequently withdrawn. Those reasons stand and clarification will be given in relation to the public sewerage by the Director of Water Services at this meeting.

In relation to the Planning Regulator, the Director of Service outlined that the Council is required to consider the guidelines issued by the Minister and the National Planning Framework. Whether the Planning Regulator existed or not, the Council must be consistent with the National Plans and Ministerial Guidelines. The role of the Planning Regulator is to intervene if Local Authorities vary from national policy.

The advice of the executive was that the zoning of lands that were physically remote from the built-up area would not be in accordance with the National Planning

Framework and its policies surrounding compact growth. In addition, the lands could not be zoned because they are not serviced appropriately.

There is 23.7ha of undeveloped land in the urban area of Listowel. The ownership of that land is immaterial. This land and the lands that are subject to debate were both zoned in the previous plan and none of it was developed. It would not be correct to say the removal of that land would hinder development.

In relation to the broader area of Listowel, this will fall under the review of the County Development Plan which will determine the Core Strategy and population for each settlement within the county. That review, which will be complete in 18 months, will further analyse the development potential of Listowel.

The Director of Service acknowledged the difficulty for full Council to consider this plan, whereas a Local Area Plan is considered at Municipal District level. This is because Town Development Plans had the same status as County Development Plans prior to dissolution of Town Councils and variations to Town Development Plans must come before Full Council. He emphasised that full detailed reports on the submissions and Chief Executive's recommendations at draft plan stage and at the current material alteration stage had been issued to members in advance of the meetings for their consideration. The messaging given to Councillors at previous meetings, at a number of briefings and today is consistent.

Mr. J. Breen, Director of Service, said the original planning permission granted was for a sewer linking this development to the public sewer. This sewer is in fact a rising main and therefore cannot facilitate additional direct connections along its length. The housing estate on those lands were never taken in charge by Kerry County Council. The sewerage system serving this estate does not fall under the remit of Irish Water. The extent of the public sewer along the R553 Ballybunion road terminates at the junction of the R553 with the John B. Keane Road. There is no public sewer located north of the junction of the R553 with the John B. Keane Road.

Cllr. Jimmy Moloney asked for clarification on the status of this plan if the proposed variation is not adopted today.

Cllr. Tom Barry asked how much land is zoned for industry and if there is sufficient land zoned for industry. He asked if it will be possible to zone more lands for industry if it is required.

Mr. M. Scannell, Director of Service, said the area of land zoned is 23.7ha; 14.1ha of this land is certainly serviced and lands at Kerry Group, to his knowledge, are also serviced. If additional land is required the Listowel Town Development Plan can be revisited and a material contravention undertaken if necessary. The County Development Plan review has started and as part of that process the Council will have to revisit the major settlements in the county regarding core population targets to ensure there is sufficient land zoned for all purposes.

Mr. Scannell also reminded the members that at the previous meeting the draft variation was adopted subject to the material alterations that went on public consultation. The draft plan is adopted. If the material alterations are not adopted then the draft plan agreed at the last meeting is in place.

Cllr. Michael Foley PROPOSED the adoption of proposed Variation No. 3 of the Listowel Town Development Plan 2009-2015 (as extended).

Cllr. Jimmy Moloney SECONDED this proposal.

Mr. P. Corkery, Meetings Administrator, said a vote would now be taken on the following:

“On the PROPOSAL of Cllr. Michael Foley, SECONDED by Cllr. Jimmy Moloney, that this Council hereby resolves that Variation No. 3 of the Listowel Town Development Plan 2009-2015 (as extended) be made as amended by the Material Alterations.”

The result of the vote was as follows:

**For:** Cllrs. Tom Barry, Robert Beasley, Charlie Farrelly, Deirdre Ferris, Jim Finucane, Breandán Fitzgerald, Fionnán Fitzgerald, Seamus Fitzgerald, Cathal Foley, Michael Foley, Donal Grady, Mike Kennelly, Jimmy Moloney, Norma Moriarty, Mikey Sheehy, Aoife Thornton, Johnnie Wall, Cathaoirleach Patrick Connor-Scarteen **(18)**

**Against:** Cllrs. Michael Cahill, Jackie Healy-Rae, Johnny Healy-Rae, Niall O’Callaghan **(4)**

**Not Voting:** Cllrs. Brendan Cronin, John Francis Flynn, Michael Gleeson, Niall Kelleher, Sam Locke, Marie Moloney **(6)**

**Absent:** Cllrs. Maura Healy-Rae, Dan McCarthy, Terry O’Brien, Bobby O’Connell, Michael O’Shea **(5)**

Mr. P. Corkery, Meetings Administrator, declared the resolution CARRIED.

#### **21.09.2020.06 Report on the Operation of the Litter Pollution Acts 1997-2009**

The report on the operation of the Litter Pollution Acts 1997-2009 in accordance with Section 10 of the Litter Pollution Act 1997, which had been circulated, was noted.

#### **21.09.2020.07 Update on the Water Capital Programme**

Mr. J. Breen, Director of Service, made a presentation on the Water Capital Programme which included the following:

- Current Investment Structures
- Recent Upgrades
- Current Projects
- Waste Water Treatment Plants with capacity
- Projects in Design / Planning
- Networks

Mr. Breen advised that funding of €400,000 has been announced for Killarney water capital projects.

The Chief Executive said the Water Capital Programme is important in the context of the County Development Plan review. It is important that the Elected Members have an indication of where there are capacity issues well in advance of consideration of the County Development Plan.

Cllr. Niall O'Callaghan said the people of Kilcummin and Elected Members were treated abysmally when Irish Water withdrew the Kilcummin scheme. He asked that as part of the review of the County Development Plan Irish Water would attend a Council meeting to address the Elected Members on water issues in the county.

Cllr. Michael Cahill said this is one of the most important issues before the Elected Members with instances of cryptosporidium being experienced every year, boil notices being put in place in a number of locations and ongoing water outages. He asked that Kerry County Council would engage with Irish Water on this matter. He asked that Kerry County Council seek a deputation with the Minister to secure funding to have a number of estates connected to the waste water treatment plant in Beaufort, which is required urgently. It is not acceptable that Elected Members are expected to zone lands in the County Development Plan review without meeting with Irish Water and the Minister.

Cllr. Johnny Healy-Rae asked for an update on the treatment plant in Kenmare. It is a condition of planning that development in Kenmare cannot proceed until a sewerage scheme is in place. Many areas which have waste water treatment plant capacity do not have lands zoned for developed, this must be taken into account during the County Development Plan review.

Cllr. Norma Moriarty asked that an update on Caherdaniel waste water treatment plant would be presented to the Kenmare Municipal District on Friday, 25 September.

Cllr. Michael Gleeson said Irish Water has treated the people of Kilcummin disrespectfully. He asked if there is a timeframe for the completion of the Kilcummin sewerage scheme.

Cllr. Deirdre Ferris referred to the Fenit/Tralee Bay water supply which experiences contamination during periods of high flooding and asked that this issue be resolved. Facilities across the county must be fit for purpose. She said while respecting public guidelines, the two-hour time limit for meetings must be reviewed, to ensure full debate on issues.

Cllr. Jim Finucane supported the call for a review of the two-hour time limit for meetings.

Cllr. Marie Moloney said service providers, community facilities and residents in Kilcummin are experiencing ongoing problems because of the lack of a proper sewerage scheme and Irish Water must work to resolve this matter.

Cllr. Brendan Cronin said the Kilcummin Sewerage Scheme has been on the agenda since he was elected in 1999. He welcomed the funding for Birch Hill, it is hugely important as substantial costs are being experienced by residents. He asked for a commitment that signage would be erected from Dinis Cottage to the Muckcross Road to warn parents of children and dog owners not to allow them into the water in that area.

Cllr. Fionnán Fitzgerald said anything that can be done with Irish Water regarding Kilcummin would be greatly appreciated. He supported the call for a review of the two-hour time limit for meetings.

Mr. J. Breen, Director of Service, said that as outlined by the Chief Executive, this presentation was for the purpose of highlighting to the Elected Members some of the issues in the context of the County Development Plan review. The concerns of the Elected Members will be conveyed to Irish Water. There has been an announcement regarding funding for two schemes in Killarney at Old Killarney Village and Birch Hill. Signage will be provided at Muckcross Lake.

#### **21.09.2020.08 Kerry Economic Stakeholder Forum – Employment Creation and Retention Working Group**

- a) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Niall Kelleher, the nomination of Cathaoirleach Patrick Connor-Scarteen and Cllr. Michael O’Shea, Chair of the Economic Development, Enterprise and Community Strategic Policy Committee to the Kerry Economic Stakeholder Forum - Employment Creation and Retention Working Group was approved.
- b) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to approve the nomination of Cllr. Terry O’Brien, Elected Member from the Economic Development, Enterprise and Community Strategic Policy Committee, to the Kerry Economic Stakeholder Forum - Employment Creation and Retention Working Group.

On the PROPOSAL of Cllr. Michael O’Shea, SECONDED by Cllr. Niall Kelleher, it was agreed to approve the nomination of Cllr. Norma Moriarty, Elected Member from the Economic Development, Enterprise and Community Strategic Policy Committee, to the Kerry Economic Stakeholder Forum - Employment Creation and Retention Working Group.

#### **21.09.2020.09 Dates for Meetings**

- (a) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Deirdre Ferris, it was agreed that the Draft Budgetary Plan Meetings for the five Municipal Districts would be held as follows:
  - a) Listowel Municipal District – Thursday, 29 October 2020 – 9.30 a.m.
  - b) Tralee Municipal District – Thursday, 29 October 2020 – 12.30 p.m.
  - c) Castleisland-Corca Dhuibhne Municipal District – Thursday, 29 October 2020 – 3.30 p.m.
  - d) Killarney Municipal District – Friday, 30 October 2020 – 10.00 a.m.
  - e) Kenmare Municipal District – Friday, 30 October 2020 – 2.30 p.m.
- (b) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Deirdre Ferris, it was agreed that the Budget Meeting of Kerry County Council would be held on Monday, 23 November 2020 at 10.30 a.m.

#### **21.09.2020.10 Reports from Chairs of SPCs**

- a) Report from Cllr. Johnnie Wall on the meeting of the Housing SPC held on 29 July 2020 was noted.
- b) Report from Cllr. Michael O’Shea on the meeting of the Economic Development, Enterprise and Community SPC held on 29 July 2020 was noted.

### **21.09.2020.11 Tenders opened since the July Council Meeting**

- (a) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to note the opening of tenders for Provision of Consultancy Services for Killarney Cycle Lanes - Closing Date: 31 August 2020
- (b) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to note the opening of tenders for HD28 Resurfacing and Category B Defect Repair – Closing Date: 31 August 2020
- (c) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to note the opening of tenders for Tarbert Pier Remedial Works Phase 2 – Closing Date: 3 September 2020
- (d) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to note the opening of tenders for Bridge Consultancy Services for the Munster Bridges Rehabilitation Contract 2020-2021 through a TII Framework – Closing Date: 9 September 2020
- (e) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to note the opening of tenders for Upgrading of Paving at Killarney Main St. Killarney – Closing Date: 28 August 2020

### **21.09.2020.12 Approval for the Opening of Tenders**

- (a) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Kilmorna Bridge Repairs - Closing Date: 14 September 2020
- (b) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Procurement of Supervisory Services for the N72 Stagmount Bends Project – Closing Date: 23 September 2020
- (c) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Engineering (Structural and Civil) Led Consultancy Services for the Construction of 7 No. Housing Units and associated siteworks at Rusheen, Ballylongford, Co. Kerry – Closing Date: 25 September 2020
- (d) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Construction of 22 No. Housing Units and all associated siteworks at Woodview Place, Tarbert, Co. Kerry – Closing Date: 2 October 2020
- (e) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Island of Geese Public Realm Works – Closing Date: 7 October 2020
- (f) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Procurement of Consultancy Services for N70 Waterville to Ballybrack Road Improvement Scheme – Closing Date: 7 October 2020
- (g) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Rock Road Safety Improvement Scheme (Garda Station Section) – Closing Date: 4 September 2020
- (h) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Rock Road Safety Improvement Scheme (Rock Road) – Closing Date: 18 September 2020

- (i) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Ross Road – Muckcross Road (Flesk) Cycleway – Closing Date: – 24 September 2020
- (j) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Kilcummin Village Traffic Calming, Safety Improvement and Village Enhancement – Closing Date: 30 September 2020
- (k) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Muckcross View Structural Condition Survey of the existing Masonry Retaining Wall – Closing Date: 2 October 2020
- (l) On the PROPOSAL of Cllr. Niall Kelleher, SECONDED by Cllr. Brendan Cronin, it was agreed to approve the opening of tenders for N72 Rathmore East – Safety and Pavement Improvement Scheme – Closing Date: 12 October 2020

### **Emergency Motion**

#### **Cllr. Niall Kelleher PROPOSED:**

That the Restart Grants 1 and 2 be applied to all businesses.

Cathaoirleach Patrick Connor-Scarteen SECONDED this motion.

### **21.09.2020.13 Notices of Motion**

#### **7. Medals for Irish Peacekeepers who participated in the Battle of Jadotville Pursuant to notice duly given Cllr. Jim Finucane PROPOSED:**

That this Council calls on the Minister for Defence and the Government to award the medals which were recommended for those Irish Peacekeepers who participated in the Battle of Jadotville in 1961. To give due recognition and award the MMG to former Commandant Pat Quinlan of Caherdaniel, Co. Kerry. The inactivity around this issue is a stain on the reputation of the Nation. I request that this also be sent to all Local Authorities.

**Mr. P. Corkery stated this is a matter for consideration by the members.**

Cllr. Seamus Fitzgerald SECONDED this motion.

### **21.09.2020.16 Any Other Business**

#### **Budget Briefing and Adjourned September Ordinary Meeting**

Cllr. Michael O'Shea said he had asked the executive to hold a physical budget briefing prior to the LPT Budget Meeting on 28 September 2020.

The Chief Executive said this briefing can be facilitated for the Elected Members on Wednesday, 23 September 2020 at 10.30 a.m.

Cathaoirleach Patrick Connor-Scarteen asked that the Adjourned September Ordinary meeting would also be facilitated on that day.

On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Marie Moloney, it was agreed that the following would take place on Wednesday, 23 September 2020 in John Mitchel's GAA Club, Tralee:

- a) An in-committee briefing for Members in relation to Kerry County Council's Budget 2021 at 10.30 a.m.
- b) The adjourned September Ordinary Meeting at 11.30 a.m.

The meeting concluded at 3.00 p.m.

**Pádraig Corkery**  
**Meetings Administrator**

**Cathaoirleach of Kerry County Council**