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**MIONTUAIRISCÍ AN CRUINIÚ DE COMHAIRLE CONTAE CHIARRAÍ  
A THIONÓLADH AR-LÍNE/FÍORÚIL AGUS I MEÁNSCOIL NA MBRÁITHRE  
CRÍOSTAÍ, AN FHAICHE TRÁ LÍ, CLUAIN BEG, TRÁ LÍ, AR AN LUAN, 19 IÚIL 2021**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD  
ONLINE AND IN THE SPORTS HALL, CHRISTIAN BROTHERS SECONDARY  
SCHOOL, THE GREEN TRALEE, CLOON BEG, TRALEE, ON MONDAY, 19 JULY 2021**

### **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>Donal Grady</b>
<b>Jackie Healy-Rae</b>	<b>Johnny Healy-Rae</b>	<b>Maura Healy-Rae</b>
<b>Niall Kelleher</b>	<b>Sam Locke</b>	<b>Dan McCarthy</b>
<b>Jimmy Moloney</b>	<b>Marie Moloney</b>	<b>Norma Moriarty</b>
<b>Terry O'Brien</b>	<b>Niall O'Callaghan</b>	<b>Bobby O'Connell</b>
<b>John O'Donoghue</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. J. Breen, Director Water Services</b>	<b>Ms. A. McAllen, Head of Finance</b>
<b>Mr. L. Quinlan, A/Director Housing</b>	<b>Mr. P. Corkery, Meetings Administrator</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. B. Looney, Broadband Officer</b>
<b>Mr. M. Harkin, I.T. Project Leader</b>	<b>Mr. T. Hayes, Local Enterprise Officer</b>
<b>Mr. D. Ginty, Senior Planner</b>	<b>Mr. F. Hartnett, A/SE Housing</b>
<b>Ms. K. Lynch, SEO Housing</b>	

The meeting commenced at 10.10 a.m.

Cllr. Jimmy Moloney, Cathaoirleach, took the Chair and welcomed everyone to the online element of the July 2021 Ordinary meeting of Kerry County Council.

#### **Vote of Sympathy**

Cllr. Charlie Farrelly proposed a vote of sympathy to the Conlon family on the passing of Councillor Hugh D. Conlon, Co. Louth.

All Elected Members wished to be associated with this vote of sympathy.

#### **Vote of Sympathy**

Cllr. Johnny Healy-Rae proposed a vote of sympathy to the Healy family on the passing of Thomas Healy.

All Elected Members wished to be associated with this vote of sympathy.

### **19.7.2021.01 Protocols/Induction**

Mr. P. Corkery, Meeting Administrator, referred Elected Members to the Protocols for Remote Meetings of Kerry County Council. He gave an overview of the protocols, highlighting that attendees are to have their speakers muted until the Cathaoirleach invites them to speak, to use the 'raise hand' function to indicate that they wish to speak. As per Standing Orders recording/photographing the meeting is prohibited. Roll Calls are taken to ensure Members can see and hear proceedings. If the Cathaoirleach indicates an Elected Member is to speak they are to turn on their camera. He welcomed members of the press to today's meeting.

### **19.7.2021.02 Cathaoirleach's Report on CPG Meeting**

The Cathaoirleach's report on the Corporate Policy Group meeting held on 13 July 2021, which had been circulated, was noted and agreed by the Elected Members.

### **19.7.2021.03 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. Robert Beasley, SECONDED by Cllr. Johnnie Wall, it was resolved that the minutes of the June Ordinary Meeting of Kerry County Council held on 21 June 2021 be confirmed.
- (b) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Brendan Cronin, it was resolved that the minutes of the Annual Meeting of Kerry County Council held on 28 June 2021 be confirmed.

### **19.7.2021.05 Disposal of Property**

On the PROPOSAL of Cllr. Donal Grady, SECONDED by Cllr. Niall Kelleher, it was agreed to approve the disposal of the former Killorglin Courthouse building, situated in the townland of Castleconway, in the Barony of Trughanacmy, in the Electoral Division of Killorglin to the Trustees of Killorglin Archive Society, Sean Scoil, Sunhill, Killorglin, Co. Kerry, in accordance with the terms of notice issued 5 July 2021 pursuant to Section 183 of the Local Government Act 2001, Section 211 and Section 211(5) of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

### **19.7.2021.06 Membership of the Employment Creation and Retention Working Group**

As outlined by Mr. P. Corkery, Meetings Administrator, Elected Members noted that following the change of Cathaoirleach of Kerry County Council, the newly elected Cathaoirleach, Cllr. Jimmy Moloney is automatically a member of the Employment Creation and Retention Working Group. It was also noted that the President of Munster Technological University, Ms. Maggie Cusack, has been invited to participate in the Employment Creation and Retention Working Group.

### **19.7.2021.07 Presentation from South Kerry Development Partnership**

Cathaoirleach Jimmy Moloney welcomed Ms. Patricia Deane, Project Manager, South Kerry Development Partnership to the meeting.

Ms. Patricia Deane made a presentation to the Elected Members which included the following:

- Developing Innovative actions for High Nature Value Farming in the MacGillycuddy Reeks
- European Innovation Partnership (EIP) Projects
- The MacGillycuddy Reeks EIP project background, objectives and area
- Planned Workshops/Training for 2021
- MacGillycuddy Reeks EIP Project-landowner ranger initiative
- Solutions and a new plan post-EIP

Cllr. Sam Locke acknowledged the significant work done by SKDP and asked if work is being done on fire breaks, with the assistance of farmers and Kerry County Council.

Cllr. Michael Cahill said Kerry County Council should give every support going forward to SKDP and it is important to involve the landowners in projects.

Cllr. Norma Moriarty said the EIP project is an example of working together. Farmers are custodians of the land and they pass their knowledge on through generations. She asked if SKDP webinars are available to access.

Cllr. Johnny Healy-Rae complimented the work done by SKDP and said Ms. Deane has done great work on the EIP programme. In progressing such projects, the landowners must be on board. He wished SKDP success with current project applications.

Cllr. Cathal Foley welcomed the great work done by SKDP. He asked if a Tree Strategy is being considered for the area.

Cllr. Niall Kelleher commended the work done by SKDP, putting practical solutions in place and the success in bringing everybody together on the projects. It is important that practicalities in relation to wildfires are discussed and time taken to understand the causes of these fires.

Cllr. Dan McCarthy welcomed the presentation and complimented the work done by SKDP on projects that benefit the farming community, the custodians of the land. Visitors must also respect the land.

Ms. Patricia Deane said in relation to rhododendron, permission has been sought from the Department of Agriculture to work outside of the spread; with more funding more work could be done in this area and a plan has been developed. All upland commonages are to be taken on, but further resources are needed. Caragh Lake is outside of the SKDP project. Phase I relates to the Black Valley. SKDP is considering a Tree Planting Strategy. Where suitable, referrals are made to the Department under the Native Tree Scheme. A number of SKDP webinars have been recorded and are available on the SKDP YouTube channel and the Kerry Biosphere channel.

Cathaoirleach Jimmy Moloney complimented the work of SKDP and thanked Ms. Deane for her presentation.

### **19.7.2021.08 Presentation on MapAlerter**

Cathaoirleach Jimmy Moloney welcomed Mr. Mick Harkin, I.T. Project Leader, and Mr. Owen O'Shea, Press Officer, to the meeting.

Mr. O. O'Shea outlined that this information is being presented to the Elected Members in advance of a publicity campaign. A number of options have been considered to expand communication methods with the public, particularly in emergencies. The MapAlerter system has enormous scope and allows direct messaging to subscribers.

Mr. M. Harkin made a presentation to the Elected Members which included the following:

- Launched in 2011, MapAlerter is now used by 17 Irish Councils
- MapAlerter sends targeted alerts to audiences across County Kerry
- Alerts are delivered in a timely manner across multiple channels
- Delivering alerts across six core service areas
- MapAlerter can send communications for disruptions to only those that are impacted

Mr. Harkin outlined that the MapAlerter system feeds into Kerry County Council's social media, therefore, only one alert needs to issue. A media campaign will follow around the MapAlerter system encouraging people to subscribe.

Following a query from Cllr. Breandán Fitzgerald, Mr. O. O'Shea, outlined that the MapAlerter system, which is a free service, is being rolled out from today. He asked that Elected Members would share the information on their social media and encourage people to subscribe.

Cathaoirleach Jimmy Moloney asked that the link to the system be circulated to all Elected Members.

### **19.7.2021.09 Approval for the Opening of Tenders**

- (a) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Brendan Cronin, it was agreed to approve the opening of tenders for Multi-Operator Framework Agreement Kerry Local Enterprise Office Stimulus Fund Programme - New Market Development Programme – Closing Date: 8 July 2021.
- (b) On the PROPOSAL of Cllr. Sam Locke, SECONDED by Cllr. Donal Grady, it was agreed to approve the opening of tenders for Kerry Invasive Alien Plant Species Eradication Scheme – National Network – Closing Date: 16 July 2021.
- (c) On the PROPOSAL of Cllr. Michael Foley, SECONDED by Cllr. Tom Barry, it was agreed to approve the opening of tenders for Development of 7 No. Housing Units and all associated siteworks at Rusheen, Ballylongford, Co. Kerry – Closing Date: 23 July 2021.
- (d) On the PROPOSAL of Cllr. Aoife Thornton, SECONDED by Cathaoirleach Jimmy Moloney, it was agreed to approve the opening of tenders for Supply of geogrids and geotextiles for R556 Rathscannell, Abbeydorney, Co. Kerry – Closing Date: 26 July 2021.
- (e) On the PROPOSAL of Cllr. Bobby O'Connell, SECONDED by Cllr. Donal Grady, it was agreed to approve the opening of tenders for N22 Farranfore to Killarney Project - Traffic Surveys – Closing Date: 3 August 2021.
- (f) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Jackie Healy-Rae, it was agreed to approve the opening of tenders for Provision of Tenancy Sustainment Services/Housing Support Services – Closing Date: 3 August 2021.

- (g) On the PROPOSAL of Cllr. Breandán Fitzgerald, SECONDED by Cllr. Fionnán Fitzgerald, it was agreed to approve the opening of tenders for Dún Chaoin and Dooneen Pier Repairs – Closing Date: 4 August 2021.
- (h) On the PROPOSAL of Cllr. Sam Locke, SECONDED by Cllr. Jim Finucane, it was agreed to approve the opening of tenders for Extension to Rathass Burial Grounds – Closing Date: 6 August 2021.
- (i) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Brendan Cronin, it was agreed to approve the opening of tenders for Engineering Consultancy Services (Phase 3-4-5 N72 Anglont and Phases 1-5 N70 Tinnahally) – Closing Date: 6 August 2021.
- (j) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Donal Grady, it was agreed to approve the opening of tenders for Engineering Consultancy Services Phase 3-4-5 N70 Projects (Milltown Bypass-Glanbehy Bridge-Creamery Cross) – Closing Date: 11 August 2021.
- (k) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Jackie Healy-Rae, it was agreed to approve the opening of tenders for Engineering Consultancy Services (Phase 3-4-5 N22 Garries Bridge) – Closing Date: 27 August 2021.
- (l) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Jackie Healy- Rae, it was agreed to approve the opening of any tenders that may arise up to the September 2021 Council Meeting.

#### **19.7.2021.11 Correspondence – Conference and Seminars**

- (a) On the PROPOSAL of Cllr. Charlie Farrelly, SECONDED by Cllr. Jackie Healy-Rae, it was agreed to authorise the attendance of all Elected Members at the AILG online training webinar on the theme 'Delivery of High Quality Housing Appropriate to its Setting' at 10.00 a.m. on Friday, 23 July 2021.
- (b) On the PROPOSAL of Cathaoirleach Jimmy Moloney, SECONDED by Cllr. Brendan Cronin, it was agreed to authorise the attendance of all Elected Members at the Housing Agency webinar on the theme 'Unhoused Trauma in Homelessness & Addiction' at 1.00 p.m. on Thursday, 29 July 2021.

#### **19.7.2021.12 Correspondence General**

It was agreed to note the following items of correspondence which were circulated:

<b>Date</b>	<b>From</b>	<b>Description</b>
18/06/2021	Minister for Agriculture, Food and the Marine	Response to a resolution from Kerry County Council in relation to the subject of forgotten farmers.
23/06/2021	HSE	Response to a resolution from Kerry County Council in relation to the Cluain Fhionnain facility, Ballydribeen, Killarney.
25/06/2021	Fáilte Ireland	Response to a resolution from Kerry County Council in relation to Fáilte Ireland's investment scheme "Platforms for Growth 2 - Facility Centres for Water Sports Activities".
30/06/2021	Minister for Children and Youth Affairs	Response to a resolution from Kerry County Council in relation to youth funding in Kerry.
5/07/2021	Minister for Social Protection	Response to a resolution from Kerry County Council in relation to the Bereavement Grant.
9/07/2021	Minister for Social Protection	Response to a resolution from Kerry County Council in relation to family carer income supports.

Date	From	Description
24/06/2021	Meath County Council	Resolution adopted in relation to: (a) call on the Government to explore the German Sparkasse Community Banking model to provide balance for the Irish Banking System. (b) call on the Department of Health to prioritise the establishment of the Transport Support Scheme, which will replace the Motorised Transport Grant.
25/06/2021	Clare County Council	Resolution adopted in relation to calling on Government to put forward a global ban on fracking being proposed by Ireland at the United Nations General Assembly on climate mitigation, public health, environmental protection and human rights grounds.
28/06/2021	Clare County Council	Resolution adopted in relation to calling on the Minister for Health to recognise the need to address all forms of womens' health.
29/06/2021	Sligo County Council	Resolution adopted in relation to calling for funding to be made available for the provision of small wastewater treatment systems in local villages throughout the country.
30/06/2021	Donegal County Council	Resolution adopted in relation to calling on Government to expel the Israeli Ambassador and staff in the Israeli Embassy in order to demonstrate the Irish people's disgust at the slaughter of innocent civilians and children in Gaza and the occupied West Bank.
30/06/2021	Donegal County Council	Resolution adopted in relation to calling for Patisiran to be made available to everyone in the 26 Counties who require this life-changing drug.
30/06/2021	Donegal County Council	Resolution adopted in relation to making representation to An Taoiseach and the Department of Foreign Affairs as regards the treatment of the families and friends of the Ballymurphy 10, who were shot dead by the parachute regiment.
6/07/2021	Fermanagh & Omagh District Council	Resolution adopted in relation to the legal and social movement globally for the 'Rights of Nature' aimed to strengthen protections for people, place and planet.
12/07/2021	Cork County Council	Resolution adopted in relation to calling on the ETB to consider expanding the range of educational courses in relation to apprenticeships.
13/07/2021	Clare County Council	Resolution adopted in relation to calling on the Minister for Health to consider using Covid-19 vaccination centres, along with vaccinators and pharmacists, to administer the HPV vaccine.
13/07/2021	Clare County Council	Resolution adopted in relation to calling on the Department of Health to provide funding to all communities throughout County Clare for defibrillators and training.
13/07/2021	Limerick City & County Council	Resolution adopted in relation to supporting the campaign of Epilepsy Ireland to address longstanding issues that continue to impact on people with epilepsy and their families.

### 19.7.2021.13 Any Other Business

#### St. Mary of the Angels

Cllr. Michael Cahill asked that Kerry County Council call on the Government to exempt St Mary of the Angels from the Time to Move On Policy, for the following reasons:

- St. John of God has served notice on the HSE to withdraw as Service Provider in all areas, including St. Mary of the Angels from the 30 September 2021.
- They have also notified HIQA of their intention to cease operations as and from the 30/09/2021.

- If that happens, with St. Marys of the Angels still subject to that closure policy, it is highly likely that a short-term lease between St. John of God and the HSE will be put in place and St. Marys of the Angels will be put on the market for sale by St. John of God.

St. Marys of the Angels should never have been included in this policy. It was included for two reasons.

1. Policy said it should close as it is a "congregated setting", which is a setting in which 10 or more people share a single living unit. There is no living arrangement in St. Marys of the Angels where there are 10 or more people living in a single unit.
2. The second reason for including St. Marys of the Angels in the policy was that "the living arrangements are campus-based". Many nursing homes are campus-based. However, not only are nursing homes exempt from this policy, the 'Time to Move On Policy' identifies this very setting as 'highly appropriate' for people with disabilities. Other groups of people with disabilities live in similar campus settings, some of which are not included in this policy.

People in St. Marys of the Angels with severe disabilities are being seriously discriminated against in being prevented from continuing to live in a place of their choosing that is clearly best suited to their needs. St. Marys of the Angels gives huge employment in Beaufort, Mid-Kerry, etc., and deserves our support.

Cllr. Norma Moriarty supported this request.

Cathaoirleach Jimmy Moloney said this important issue should be brought to the attention of the Minister.

### **Physical Meeting of Kerry County Council at 1.00 p.m.**

The Chief Executive referred Elected Members to notice that issued in relation to the meeting of Kerry County Council in person this afternoon. The Delta variant is now in Ireland and there are rising numbers of coronavirus cases. The advice received from the HSE is that Kerry County Council can meet in person under strict conditions. The Chief Executive impressed upon Elected Members, staff and press attending the physical meeting of the requirement to wear a face covering during the meeting, that attendees are required to take their seat and there is to be no congregating by attendees. A number of Elected Members will be attending via MS Teams. There is to be strict adherence to protocols and wearing of face coverings at the physical meeting.

### **Meeting Break**

Cathaoirleach Jimmy Moloney said it was 11.10 a.m. and the meeting would now adjourn and resume at 1.00 p.m.

The meeting adjourned at 11.10 a.m. The meeting resumed at 1.00 p.m. both online and in the Sports Hall, Christian Brothers Secondary School, The Green Tralee.

Cathaoirleach Jimmy Moloney took the Chair and welcomed everyone to the afternoon blended meeting of the July 2021 Ordinary meeting of Kerry County Council being held online and in the Sports Hall, Christian Brothers Secondary School, The Green Tralee.

Mr. P. Corkery, Meeting Administrator, referred Elected Members to the Protocols for Remote Meetings and Protocols for Physical Meetings of Kerry County Council.

In relation to attendees attending remotely he highlighted that attendees are to have their speakers muted until the Cathaoirleach invites them to speak, to use the 'raise hand' function to indicate that they wish to speak. As per Standing Orders recording/photographing the meeting is prohibited. If the Cathaoirleach indicates an Elected Member is to speak they are to turn on their camera. He welcomed members of the press to today's meeting.

In relation to the physical meeting Mr. Corkery outlined that a time limit of 1 hour and 55 minutes will apply. Public health guidance must be strictly followed by attendees during the physical meeting including; mask wearing throughout the meeting, strict social distancing, hand sanitising and non-congregation of persons.

#### **19.7.2021.04 Chief Executive's Report to Council**

The Chief Executive outlined the Chief Executive's Report to Council for the month of July 2021, which had been circulated.

Cathaoirleach Jimmy Moloney asked that Kerry County Council write to the Minister for Transport in relation to the Kerry-Dublin airline route. While welcoming the takeover of this route by Ryanair, this is a very important route to County Kerry, for business and tourism, and the PSO must always be maintained for this route.

Cllr. Jim Finucane supported this request.

Cllr. Patrick Connor-Scarreen welcomed the decision on the South Kerry Greenway and the additional significant funding for the Local Improvement Scheme. He asked for a timeframe for the additional works under the Local Improvement Scheme. He welcomed the allocation of €150,000 under the Litter Infrastructure Support Grant Scheme 2021. He said it is important to keep residents updated on works starting this week on the trunk main along the Board of Works Road.

Cllr. Michael Cahill welcomed the decision handed down by the High Court, following a Judicial Review of the decision of An Bord Pleanála, to approve the South Kerry Greenway scheme. It is hoped this decision will not be appealed to the Supreme Court and the project can be progressed and built to the highest standard as a world class Greenway. The needs of farmers on the route must be accommodated. He said funding for the Repair and Leasing Scheme should be €100,000 and a hardship scheme put in place under the Local Improvement Scheme.

Cllr. Jackie Healy-Rae welcomed funding from Irish Water for 1km of trunk main at Farranfore and 1km of new mains at Cordal, near Castleisland, areas that continually experience water breaks, and he asked for a timeframe for these works. He welcomed additional funding for the Local Improvement Scheme and asked how many roads will have works done.

Cllr. Charlie Farrelly welcomed the announcement regarding the South Kerry Greenway. He asked how many roads will have works done with the additional funding for the Local Improvement Scheme. He welcomed funding from Irish Water for water mains in Cordal and Farranfore.



Cllr. Mikey Sheehy welcomed the announcement regarding the South Kerry Greenway and said the Greenways will be great assets for the county, however, there must be advance marketing, particularly in relation to the North Kerry Greenway, work on which is progressing. Kerry has a large amount of the staycation market in Ireland and as much of that as possible must be retained. He asked for an update regarding marketing campaigns for the Greenways.

Cllr. Brendan Cronin welcomed additional funding under the Local Improvement Scheme, which has been struggling for funding, and asked how many additional roads will have works done. He pointed out that during the recent high temperatures that tar on roads has been melting; sand and grit was put in place but it is not right that the tar has been melting. Cllr. Cronin moved notice of motion no. 9.

**Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:**

Following the failure of both Kerry County Council or Irish Water to give any reply to my motion No. 13 on the June Full Council Agenda regarding the amount of breaks on the Mid Kerry Water Supply and importantly, as all public water break notices begin with "Irish Water and Kerry County Council are working to repair a break...", I am specifically requesting Kerry County Council's Water Services Department to clarify the exact number of breaks in the last 12 months on the water network supplied from (a) Barleymount (b) Lahard and (c) Lahern Reservoirs, which Water Service's staff repaired and the estimated cost of these repairs. I also repeat my request for emergency funding to deal with identified vulnerable pipelines causing serious problems in Mid Kerry.

**The following reply issued:**

**As advised to the Members previously, Irish Water reply to Notice of Motions relating to the water network. This is important from a governance perspective and given that Irish Water are the responsible body and funding authority of all water and wastewater infrastructure.**

**Their response is as follows:**

Laharn reservoir (5Km south east of Milltown) is served by Barleymount reservoir (3.5Km north of Fossa cross) which in turn is served by Lahard reservoir (1.5Km north of Beaufort bridge), all on the Mid Kerry Regional Water Supply Scheme. Between 01/07/2020 and 01/07/2021, there has been:

- (a) a total of 30 breaks in the whole area supplied by Barleymount reservoir,
- (b) 9 breaks on the trunk pipeline from Lahard to Barleymount reservoir, and
- (c) 2 breaks on the mains served by Laharn reservoir.

Furthermore over this period, there has also been 11 breaks (9 of which were in 2021) on the trunk main along the Board of Works road, and 16 breaks in the Faha-Listry area.

The cost of a typical water main repair on this Scheme can vary from €600 to €4,000, depending on the size (35MM to 300MM diameter) and depth of pipe, the location (on or off road, type of road, traffic, etc.), weather conditions and damage caused by the burst pipe.

Irish Water have recently confirmed additional funding for replacement of an additional 2.6km of trunk main along the Board of Works Road. The first 1.2km section is scheduled to commence on site this week.

They have also, this week, approved funding to design watermain replacement from the Crohane pumping station to Barleymount Reservoir.

Cllr. Brendan Cronin said this establishes 68 breaks in the Mid-Kerry supply line to the 1<sup>st</sup> July 2021 and there has been a further six breaks since then. This highlights how chronic the situation is. Works that are not done are causing huge problems; there must be a focussed concentration of funding to these areas.

Cllr. Johnny Healy-Rae SECONDED this motion.

Cllr. Deirdre Ferris thanked Kerry County Council and the Enforcement Officers for the work they did to facilitate Lifeguards in Banna by providing an interim unit on site over the weekend. She asked if there is an update from Irish Water regarding the connection of Ardfert to the Central Supply Scheme. She commended the Local Enterprise Office for the supports they have provided to businesses as they re-open. She asked when keys for houses allocated in Ardfert will be distributed now that the water connection issue has been resolved. She said after four days of warm weather the county is facing water shortages; this is happening after years of negligence which has left the county's water supply in a perilous state.

Cllr. Niall Kelleher referred to the Local Improvement Scheme and seconded Cllr. Michael Cahill's call for a medical hardship scheme. There are people who have medical needs and something must be put in place as had been in place in the past. He acknowledged that a detailed case was put to the Department and additional funding was allocated. He welcomed that 20 new dwellings at Láthair na Mánach, Rathmore, were completed in late June and that 20 families will receive their keys in the coming weeks. He also welcomed that funding is being approved by Irish Water to design a watermain/trunk main replacement in Crohane pumping station to Barleymount Reservoir, Listry to Faha road and Ashill. Every expedience is required now to have the work done on the ground.

Cllr. Sam Locke welcomed the increased funding for the Local Improvement Scheme. He asked that Kerry County Council start to employ more staff on the Tralee Electoral Area work force that is diminished following further retirements. He welcomed the works being carried out by Irish Water at Oakpark and Balloonagh Close, Tralee, and asked that the road surface be replaced following the works. He agreed with comments regarding the tar used for road surfacing.

Cllr. Johnny Healy-Rae said it is hoped Irish Water will attend the September Ordinary meeting; some progress has been made but pressure must be maintained to secure funding as all counties are in the same position. Water shortages are expected in the coming days; in Kenmare there is no extra reservoir capacity and a planning application has not yet been lodged for the treatment plant which has stifled development. In relation to the South Kerry Greenway, he said he did not agree with the mechanism to get to where the project is today, but he hopes the Greenway will be built. The goodwill of landowners seen in the MacGillicuddy Reeks project will also be required on the South Kerry Greenway project. He asked that Kerry County Council carry out accommodation works to the best of its ability. In relation to the Local Improvement Scheme he welcomed the additional funding and commended the Director of Roads and his team as additional funding is the key to getting those road works done. He agreed with comments regarding the quality of tar used on roads. With regard to housing, he said people on RAS that are issued with a Notice to Quit are being told that they are not being considered for vacant Council properties and that they must find a property suitable to RAS themselves. Properties are not available; landlords do not want the RAS scheme. He asked when construction will commence on 14 houses in Kenmare.

Cllr. Breandán Fitzgerald said while additional funding for the Local Improvement Scheme is welcome, an update is needed on Scéim na Bóithre Aise to provide equality of funding for Gaeltacht areas in Kerry. He welcomed the allocation of funding under the Community Support Fund. He acknowledged the “Give your Litter a Lift” campaign and asked that this campaign be strongly promoted as the county will be under pressure with visitors on staycations.

Cllr. Johnnie Wall said litter is a huge problem in the county and he asked for an update regarding the use of CCTV for prosecutions. He called for the replacement of retired staff in the Tralee area and said Kerry County Council should have apprenticeships in place.

Cllr. Tom Barry said littering has never been as big an issue and promotion of the “Give your Litter a Lift” advertising campaign must be increased. He said he has called for the use of CCTV on many occasions to address littering. Marketing of the North Kerry Greenway must commence as the project is progressing.

Cllr. John Francis Flynn welcomed funding from Irish Water for the Board of Works road and in other areas throughout the county. Many water breaks are experienced in the Kenmare Municipal District and pressure must be maintained on Irish Water to secure more funding. As good progress was made since Irish Water attended the June Council meeting, we need Irish Water to attend the September Council Meeting. There is a stigma around RAS/Leasing as housing options, which must be addressed. RAS/Leasing tenants must be included on the housing waiting list. He welcomed the increase in Local Improvement Scheme funding. He asked that a review be undertaken of roads that lead to amenities or are part of loop walks, etc., to try and secure funding for those roads.

The Chief Executive referred to the South Kerry Greenway and said Kerry County Council will take it step by step and once the project can progress, without question it will be built to a high standard. The Listowel Elected Members were updated regarding marketing proposals for the North Kerry Greenway and the same update will be given to Tralee Municipal District members. Kerry County Council is very conscious that the marketing is done.

With regard to the workforce, the Chief Executive said she did advise members previously that any retirements will be filled and it is dependent on grant funding and available resources.

The Chief Executive welcomed progress regarding water services and said she is very conscious of the position in Mid-Kerry, connecting Ardfert to the Central Regional Scheme and the water and wastewater needs of county. It is something members will be impressing upon Irish Water and as work progresses on the County Development Plan it will be important to identify the locations of water and wastewater needs across the county.

Keys for tenancies at Ardbhearna, Kenmare are due to issue on the 26 July 2021.

Mr. J. Breen, Director of Services, welcomed the positive comments from the elected members regarding announcements from Irish Water. Kerry County Council is pushing Irish Water to start works at Farranfore as soon as possible and will update Elected Members when further information is available. The Irish Water message regarding shortage of water is a national message; the fine weather has put pressure on water schemes and overnight reduced pressure has been introduced. Kerry

County Council will push further with Irish Water regarding Crohane-Barleymount and will pursue the connection of Ardfert to the Central Regional Scheme. In relation to litter control, further detail is awaited on legislation when the Oireachtas comes back into session.

Mr. C. O'Sullivan, Director of Services, said the additional €690,000 secured under the Local Improvement Scheme provides for an additional seven roads to be completed. At the start of the year Kerry County Council submitted a supplementary list for over €1m.

Cllr. Brendan Cronin asked for clarification regarding Crohane design and Faha-Listry. He said when people are without electricity for over 24 hours there is compensation and asked if this is also the case with Irish Water.

Cllr. Norma Moriarty asked how many of the community projects will be done under the Local Improvement Scheme.

Mr. J. Breen, Director of Services, said Irish Water is regulated by CRU and no such compensation is available. Irish Water provide water tankers in the event of water outages. There are no time scales for the Crohane design, this will be followed up with Irish Water and Elected Members will be updated.

Mr. C. O'Sullivan, Director of Services, said one community scheme was to be delivered in 2021. It was agreed that community schemes, up to 10% of the overall value of funding would be done. With additional funding a further community scheme should be done.

Mr. F. Hartnett, SE Housing, said Phase 5 of the Ardbhearna housing scheme in Kenmare is currently under tender assessment which requires strict compliance to regulations. An update will be provided to Elected Members as soon as the assessment is complete.

### **Emergency Motion**

#### **Pursuant to notice duly given Cllr. Niall Kelleher PROPOSED:**

That Kerry County Council Housing Engineers inspect affected apartments in Coill na Darrach and ensure rectification of all defects as we do with private landlords.

Cllr. Niall Kelleher said when Kerry County Council is allocating tenants to another body it should be vetting properly and fairly. He asked for a commitment to have the apartment windows inspected.

### **19.7.2021.10 Notices of Motion**

Cathaoirleach Jimmy Moloney asked that Elected Members online use the 'raise hand' icon when they wish to second a motion.

#### **1. Primary Health Care Centres – Killorglin and Caherciveen**

##### **Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:**

That Kerry County Council call on the HSE and the Minister for Health to develop a modern Primary Health Care Centre, with all modern services in both Killorglin and Caherciveen as a matter of priority.

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

Cllr. Michael Cahill said a deputation is required to progress these facilities.

Cllr. Norma Moriarty **SECONDED** this motion and the move to have better primary care. There is a commitment in place in relation to Caherciveen, however, it seems to be stuck on stage 4 of the 11-stage process. An update on that would be welcome.

## **2. Outstanding Housing Estate Bonds**

**Pursuant to notice duly given Cllr. Johnny Healy-Rae PROPOSED:**

Can Kerry County Council give an update on what bonds are outstanding for housing estates and how long these are claimed.

### **The following reply issued:**

At the 30<sup>th</sup> June 2021 Kerry County Council had 34 outstanding housing estate bond claims with financial institutions and surety providers totalling € 3,919,537. In 2018 we had 109 outstanding claims with a value of €9,222,264. Over the past 3 years there has been a 68% reduction in the number of outstanding claims. In respect of the 34 outstanding, 11 of these bonds were claimed in the last 5 years and the remainder were claimed during the period from 2009-2015.

Kerry County Council continues to pursue the non-payment of, and resolution of bond claims outstanding. The Council's Housing Estates Unit has been very proactive in addressing issues identified in Unfinished Housing Estates over the last number of years. Many of the more problematical Estates have now been dealt with which has greatly improved the quality of life for the residents who reside in them. Processes and procedures are in place to minimise against the risk of financial exposure to this Local Authority. Where bonds are in place, the Council ensures that a valid costed claim is submitted before the Bond expires. These are monitored and reviewed on a regular basis. Where no Bond or only a partial Bond is in place, enforcement action under the relevant planning legislation is pursued.

Good progress continues to be made in resolving outstanding Bond claims with our larger Bond holders, which include AIB and Liberty Insurance. We have finalised a substantial number of AIB Claims over the past few years, having agreed a resolution process with them. Liberty Insurance engaged contractors to complete outstanding works on estates where they held the bond. Kerry County Council will continue to pursue all outstanding claims.

Cllr. Johnny Healy-Rae noted the reply.

## **3. Services to Housing Developments**

**Pursuant to notice duly given Cllr. Patrick Connor-Scarteen PROPOSED:**

That Kerry County Council ensures that services are installed first before developers build any housing developments, i.e. footpaths, lighting, wastewater, green areas etc.

### **The following reply issued:**

The planning permissions granted pertaining to housing developments allow these developments to be completed within the lifetime of the permission. No conditions are attached to the permission requiring certain aspects of the development to be completed ahead of other elements. However, bonds are conditioned to ensure the satisfactory construction and completion of the communal areas, services, roads, footpaths, public lighting etc.

The proposal as outlined would have to be a national initiative, enshrined in legislation and applicable to all local authorities.

Cllr. Patrick Connor-Scarreen said all over the county there is a housing shortage; more Council and private houses are required, with very little housing built since 2006/2007. He asked that a letter issue to the Minister for Housing, Local Government and Heritage calling them to examine the requirements to be put in place to ensure that services are installed before developers build any housing developments, i.e. footpaths, lighting, wastewater, green areas, etc.

Cllr. Brendan Cronin SECONDED this motion.

#### **4. Properties under threat from Rising Sea Levels**

##### **Pursuant to notice duly given Cllr. John O'Donoghue PROPOSED:**

As rising sea levels is accepted internationally as the great, challenging reality of the age, that the Council would inform of the number of dwellings in Kerry that are deemed to be under imminent danger of being flooded and rendered uninhabitable as per the survey published last year by the E.P.A.

##### **The following reply issued:**

In 2020 the EPA published a research report titled 'National Risk Assessment of Impacts of Climate Change: Bridging the Gap to Adaptation Action'. This is a Climate Change Risk Assessment (CCRA) conducted at national level. The authors of the report used certain available data to produce graphs in the report that effectively serve as a very broad guide to the number of properties in each county that could be affected by sea level rise in a number of different scenarios. The report does not produce specifics regarding the number of dwellings potentially at risk due to sea level rise nor does it include detailed risk analysis of individual areas or properties in each county.

However, a detailed flood risk analysis of the country has been commissioned by the Office of Public Works as part of the Catchment based Flood Risk Assessment & Management (CFRAM) programme. Flood risk maps have been prepared for all areas at risk from flooding. These areas have been risk assessed for coastal, fluvial or pluvial flooding. All flood risk information and maps, including areas in Kerry, are available at [www.floodinfo.ie](http://www.floodinfo.ie). The Council cross checks this flood, information when planning applications are submitted, or when local authority developments are planned, to ensure sustainable planning and development.

This type of information relating to vulnerable properties can only be determined accurately by an OPW funded Coastal Cell study. There are two such studies currently ongoing in Kerry, at Tralee Bay and Castlemaine Harbour which are the locations that are most vulnerable to coastal flooding and sea level rise.

Cllr. John O'Donoghue said this is a huge issue. He acknowledged that studies are ongoing and awaits the results. Tralee Bay and Castlemaine Harbour are areas that are most prone to flooding. There must be joined up thinking in relation to solutions.

Cathaoirleach Jimmy Moloney SECONDED this motion.

#### **5. Gas Fired Emergency Generators**

##### **Pursuant to notice duly given Cllr. Jim Finucane PROPOSED:**

In light of the Government's policy to rush through emergency legislation to provide emergency generators which would be gas fired to meet a projected shortfall of power over the winter period, this surely highlights the critical necessity of the new Fortress Energy Project in Tarbert / Ballylongford.

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

Cllr. Jim Finucane said it is seldom that emergency planning legislation is rushed through. ESB are providing two generators. A study is awaited, yet at the same time ESB are spending money on gas fired generators for a potential shortfall in the Dublin region. A €650m project, without state funding, is ready to go ahead. This county is short of energy at present.

Cllr. Michael Foley **SECONDED** this motion.

## **6. Average Cost of Restoring Void Properties**

### **Pursuant to notice duly given Cllr. Maura Healy-Rae PROPOSED:**

To ask Kerry County Council what is the average cost of restoring VOIDS in the Housing stock. Is this due to damage by previous tenants or new standards being set out by the Department of Housing or both.

### **The following reply issued:**

For the most recent full year, 2020, the average cost of restoring void properties was €13,562.30 per property. Due to the age cohort of Kerry County Council's housing stock, where 42% of our total stock is over 30 years old, and depending on the length of the previous tenancy, the dwellings infrastructure may require significant updating including a rewiring and replumbing to bring to current safety and quality standards.

In the normal course of any tenancy, wear and tear can also occur. Therefore, the actual cost of refurbishment to individual dwellings is dependent on its age and condition, the types of funding available, changes in building and other such regulations and specific direction from the Department of Housing in relation to the selection and processing of void properties for refurbishment.

Legislative requirements in relation to energy efficiency and meeting housing rented standards also impact on average cost which over time will result in substantial improvement in comfort and energy cost savings for our tenants. Overall, in the design of refurbishment works, the intention is to reduce maintenance issues and callouts into the future.

Cllr. Maura Healy-Rae said noted that the average cost of restoring void properties is €13,562.30 per property. She said the issue of concern is that the process of acquiring funding for voids is very laborious. She said the timeline for bringing voids back into stock is 12 weeks, but that timeline has doubled to 24 weeks recently and this is unacceptable while there is a housing crisis. The level of bureaucracy in relation to restoring voids is unnecessary. She asked that a letter issue to the Minister requesting that a budget be put in place for the voids programme.

Cllr. Donal Grady **SECONDED** this motion.

## **7. Vacant Demountable Units**

### **Pursuant to notice duly given Cllr. Jackie Healy-Rae PROPOSED:**

How many demountable units owned by Kerry County Council are laying vacant throughout the County and how long are they vacant.

### **The following reply issued:**

The following is a list of vacant demountable units that are in a suitable condition to be relocated and reused.

MD	Number of Units	Vacant less than 1 YR	Vacant 1 to 2 YRS	Vacant more than 2 YRS
Castleisland/Corca Dhuibhne	3	-	-	3
Kenmare	1	-	-	1
Killarney	0	-	-	-
Listowel	0	-	-	-
Tralee	0	-	-	-
<b>Totals</b>	4	-	-	4

There are costs associated with access and transportation of same if they were considered for relocation and depending on location, these costs can be prohibitive.

Cllr. Jackie Healy-Rae asked how many vacant demountable units are in the county usable or not usable.

Mr. F. Hartnett, SE Housing, said there are 36 vacant demountable units, 32 of which are greater than 20 years old and considered redundant. The most cost effective removal is to demolish the unit onsite and remove it. Demountable units less than 20 years old which can be refurbished can be removed.

Cllr. Jackie Healy-Rae asked what happens with the 32 on site across the county, adding that it is not best practise to leave them rotting on site. He asked how the four units which only cater to very specific needs will be dealt with and what cost is involved in moving those units.

Mr. F. Hartnett, SE Housing, said very often families ask for the units to remain onsite. If there is a particular request for a unit to be removed, it can be demolished and removed. Costs vary in relation to getting machinery to the site.

Cllr. Maura Healy-Rae SECONDED this motion.

## **8. Rebuild Ireland Home Loan Applications**

### **Pursuant to notice duly given Cllr. Michael Foley PROPOSED:**

That Kerry County Council would provide the following information on Rebuild Ireland Home Loan applications:

1. How many applications have been received to date.
2. Of those received how many were successful on initial application.
3. How many unsuccessful applications were appealed.
4. Of those appealed how many were successful.

### **The following reply issued:**

- 304 Rebuilding Ireland Home Loan Applications have been received in Kerry County Council from its introduction 01/02/2018 to 30/06/2021.
- 105 applications were approved by Credit Committee as at 30/06/2021.
- 19 of the 128 applications that were unsuccessful were appealed.
- 0 appeals were successful.

It should also be noted that of the above applications received, 42 applications were either withdrawn or were incomplete, and 29 are being progressed through the various assessment stages in order for the Credit Committee to consider them.



Cllr. Michael Foley said the purpose for the Rebuild Ireland Home Loan is for those on low incomes who are over the threshold for Social Housing but their income too low to get a mortgage from banks and other lending institutions.

One can borrow up to 90% of the market value of the property. The maximum market value differs depending on where your home is located, it is €250,000 in Kerry. Two interest rate options are currently available:

- 2.745% fixed interest rate for up to 25 years (APR 2.78%)
- 2.995% fixed interest rate for up to 30 years (APR 3.04%)

Qualifying criteria is based on the applicant's income and ability to sustain payment of the loan. Also letters from two banks or building societies confirming insufficient offers of finance are required.

This is a great scheme on paper, however, many applicants have said they experienced the whole application process as very stressful. A person I was dealing with had substantial savings, no outstanding loans and with a secure job. An ideal person to give a loan to, but was refused on their initial application which they found stressful and had to go through the lengthy appeals process to secure the loan.

Self-build applicants who are granted a loan find it extremely difficult to drawdown the loan. One person's house was at roof level before they got partial payment and this caused a strained relationship with their builder.

Looking at the scheme from the outside the Credit Committee requirements seems to be more stringent than some financial institutions resulting in making it impossible for most people to access the loan.

Also a track record in paying rents should be proof of ability to pay a loan because more often than not the monthly mortgage payment is only slightly higher than the rent.

I asked for this information as it might give an insight as to whether this is the overall experience of the Loan scheme. Looking at the figures there is a very poor take-up of the scheme and of those who applied, a poor success rate. It goes to show those stuck in the middle have very little chance of getting a house and will be left renting with no assistance towards the cost of the rent. This gives justice for the thresholds of social housing to be increased to take these people out of the housing trap that they are in.

Cathaoirleach Jimmy Moloney SECONDED this motion. In response to a query from Cllr. Michael Foley, he said management would revert in relation to the two appeals that were successful.

#### **10. Monthly Limits on Private Rented Properties in Leasing/HAP/RAS Pursuant to notice duly given Cllr. Deirdre Ferris PROPOSED:**

I propose that Kerry County Council make representations to Minister Darragh O'Brien to have the monthly limits on private rented properties in receipt of Leasing, HAP and RAS, increased to meet the rent increases seen in Kerry in the last year.

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

Cllr. Deirdre Ferris said there was only 46 houses available for rent on daft.ie this morning. She said she cannot encourage people to go via leasing/RAS because when housed on these schemes they are taken off the housing list. Also, there is no security of tenure and no landlord is willing to lose half the income they could get from renting privately. €925 was the cheapest rent for a 3-bed property, with rents of up to €2,500. People applying for HAP/RAS cannot meet the surplus with only €575 assistance. Landlords are no longer coming into the leasing programme and there is

a frightening level of people under Notice to Quit. It is negligent that the Local Authority cannot help people find a property.

Cllr. Niall Kelleher SECONDED this motion.

### **11. Fraudulent Insurance Claims**

#### **Pursuant to notice duly given Cllr. John Francis Flynn PROPOSED:**

That Kerry County Council write to the relevant Ministers with regards to fraudulent insurance claims, which is having a crippling effect on businesses throughout the Country. A number of changes which could be introduced include changes to the book of quantum, a 2 week time limit on making a claim, medical examinations to be carried out by independent GPs as agreed by both parties, and the publishing of claims and claimants in the local press.

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

Cllr. John Francis Flynn said it should be a criminal offence to make a fraudulent claim. Business CCTV is usually gone after 30 days and claims are only submitted after that time. It is only fair that a business owner be able to defend themselves. The free legal aid system needs to be looked at as well. The Book of Quantum needs to be introduced as soon as possible and used right throughout Europe's judiciary. Other courts are paying less than Ireland. He proposed that a letter issued to RTÉ asking that Prime Time investigate fraudulent claims in court.

Cllr. Niall O'Callaghan SECONDED this motion.

### **12. Children's Allowance Cut Off Age**

#### **Pursuant to notice duly given Cllr. Dan McCarthy PROPOSED:**

To ask the relevant Authorities to increase the Children's Allowance cut off age from 18 to 21 years of age.

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

Cllr. Dan McCarthy said children's allowance should remain in place while children are going to college and have admission/accommodation fees to pay.

Cllr. Breandán Fitzgerald SECONDED this motion.

### **13. Deposit and Return Scheme**

#### **Pursuant to notice duly given Cllr. Charlie Farrelly PROPOSED:**

I have been requested by two Primary Schools namely, 4th Class Girls from Presentation Primary School, Tralee and 5th Class from Moyderwell Mercy, Primary School, Tralee to request Kerry County Council to use Tralee and Castleisland as pilot towns to introduce a Reverse Vending Machine for plastic bottles. There has been a project in Carrickmacross, Co. Monaghan where a Tomra T70 Reverse Vending Machine for plastic bottles is in operation on a trial basis. 113,000 plastic bottles have been recycled in the first six months of operation. I believe this is an ideal opportunity for Kerry County Council to trial these machines in both towns prior to the anticipated implementation of a new National Waste Action Plan in the Autumn of 2022.

**The following reply issued:**

The proposal to introduce reverse vending machines for plastic bottles has previously been raised both at Municipal District and Full Council Meetings and most recently at a meeting of the Environment, Climate Change and Emergency Management SPC where updates have been previously given.

This unit referred to in County Monaghan has been provided and funded from private enterprise with some financial support from Monaghan County Council. The unit is supported by Quinn Packaging and Shabra Plastics and located in the local Supervalu store. This is a pilot project. The project is actively managed by the Local Tidy Towns Group.

Ireland's Waste Action Plan for a Circular Economy commits to introducing a Deposit and Return Scheme (DRS) for plastic bottles (up to three litres in volume) and aluminium cans. The public consultation process undertaken in respect of this DRS Scheme in late 2020 has been reviewed by the Department of Environment, Climate and Communications and legislation is currently being drafted to give effect to the DRS. Kerry County Council is not in a position to roll out any local schemes pending the introduction of a National DRS Scheme to be advised by the Department of Environment, Climate and Communications and members will be advised when such notification is received.

Cllr. Charlie Farrelly said he was contacted regarding this proposal to introduce reverse vending machines for plastic bottles. The Deposit Return Scheme came about as a result of a pilot project in Carrickmacross and has the cooperation of local businesses. He expressed disappointment with the reply to this notice of motion and that Kerry County Council is waiting for a national decision. These machines are being rolled out throughout Scotland and it is an opportunity not to be missed. When the scheme is rolled out Kerry could be waiting for the machines. He asked that this be reconsidered and not wait until 2022.

Cllr. Donal Grady SECONDED this motion.

**14. Financial Support for Businesses**

**Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:**

That Kerry County Council call on the continued financial support for all businesses who are not able to provide indoor hospitality due to Covid-19 restrictions and public health guidelines.

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

Cllr. Breandán Fitzgerald noted the reply.

Cllr. Niall O'Callaghan SECONDED this motion.

**15. Funding for FLAG**

**Pursuant to notice duly given Cllr. Norma Moriarty PROPOSED:**

That we call on the Minister to seek an Interim funding stream to be made available to BIM in order that FLAG be reactivated while we await a new programme roll out. The 2014-20 Fund has been exhausted and in the seven coastal areas to which FLAG is applicable there are projects vital to the economic and social development of each area Kerry in particular that needs access to this funding to ensure such social and commercial enterprise is not further stymied.

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

Cllr. Norma Moriarty said as there is no interim funding stream for FLAG it could result in opportunities lost. This funding must be sought.

Cllr. Johnnie Wall SECONDED this motion.

#### **16. Admission Policy to Second Level Schools**

Cllr. John Francis Flynn moved Notice of Motion No. 6 on behalf of Cllr. Michael O'Shea.

##### **Pursuant to notice duly given Cllr. Michael O'Shea PROPOSED:**

That we the members of Kerry County Council pass a resolution asking the Department of Education to immediately amend the Admission Policy to all Second Level schools giving parish children admission priority, with remaining places being filled by children living outside the parish.

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

#### **17. Daily Data on Covid19 Variants**

##### **Pursuant to notice duly given Cllr. Mikey Sheehy PROPOSED:**

To ask the Minister for Health to immediately publish the daily data pertaining to Covid19 variants, including the Delta variant, on a LEA basis to allow local authorities and the public greater access to this vital public information.

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

Cllr. Mikey Sheehy said the release of information on variants would give Local Authorities, Gardaí and hospitals an opportunity to review data on a daily basis. The HSE should consider releasing this data. He referred to his notice of motion at the March Council meeting regarding the Oncology Unit and asked that a reminder letter issue as a response has not been received.

Cllr. Deirdre Ferris SECONDED this motion.

#### **18. Regeneration of Caherciveen Town**

##### **Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:**

That Kerry County Council and Transport Infrastructure Ireland carry out a major overhaul of the greater Cahersiveen town area as a matter of priority, to include the provision of new footpaths and roads that are in an extremely poor and dangerous condition and the under grounding of all cables and power lines, etc. Caherciveen town has been left totally underfunded for far too long, especially in regard to the condition of the footpaths and roads throughout the town and this anomaly must be addressed as a matter of priority.

##### **The following reply issued:**

Kerry County Council was successful in an application for funding under the Rural Regeneration and Development Fund for the regeneration of Cahersiveen town and in the context of the proposed South Kerry Greenway.

The overall estimated Caherciveen RRDF project cost is €19.5m and the Department has currently allocated design and project development funding of €2.056m. A Project Engineer has been assigned full time to bring the scheme through to planning stage.

Cllr. Michael Cahill said with a €20m regeneration scheme for Caherciveen and progress on the South Kerry Greenway, this matter must be progressed.

Cllr. Norma Moriarty SECONDED this motion.

### **19. Water Drinking Fountains**

**Pursuant to notice duly given Cllr. John O'Donoghue PROPOSED:**

That the Council would inform how many suitable drinking fountains are in the playgrounds under its care, and would they consider installing them in any playgrounds where they currently do not exist.

**The following reply issued:**

Playgrounds under the control of Kerry County Council are generally not supplied with a drinking water supply. However, there is an initiative underway to provide water bottle refill stations at a number of locations around the county. These are currently being installed in Tralee and Listowel Town Parks, each of which also has a playground. There are also two stations in Dingle. Further water bottle refill stations are planned for Tralee (Hare St./Canal Walk), Ballybunion (New Toilets) and Killarney.

Kerry County Council will continue to seek funding for the rollout of water bottle refill stations around the county as an effective alternative to single use plastic bottles.

Cllr. John O'Donoghue said it is very important the Council is seen to promote healthy living and drinking water. This would also reduce the use of plastic.

Cathaoirleach Jimmy Moloney SECONDED this motion.

### **20. 'Help to Buy' Scheme**

**Pursuant to notice duly given Cllr. Jackie Healy-Rae PROPOSED:**

To call on the Government in Budget 2022 to extend the 'Help to Buy' Scheme beyond December 2021, but, to adapt the Scheme to allow First Time Buyers avail of this incentive when purchasing a second hand property, as currently the scheme only allows for 'new builds'.

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

Cllr. Jackie Healy-Rae said there have been many calls for this scheme to be adapted as unfortunately up to 99% of people do not qualify because the house they wish to buy is second-hand. There are no new houses for sale in Kerry. The 'Help to Buy' scheme is a good scheme if an applicant can qualify. There are plenty of second-hand properties in the county but they are not eligible under the scheme. The scheme must be extended beyond 2021 with adaptations.

Cllr. Mikey Sheehy SECONDED this motion.

### **21. Hedgecutting Company from Leinster**

**Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:**

To ask is it true that Kerry County Council Roads Department for the 2021 year, have engaged a hedge cutting company from Leinster to cut hedges on public roads in Kerry.

**The following reply issued:**

The Council procures its plant hire and contract requirements in relation to hedge cutting fully in accordance with the appropriate public procurement procedures which includes public advertisement on the supplygov.ie public procurement portal.

Accordingly, contractors from all over Ireland are eligible to tender for contracts advertised by Kerry County Council and the Council is bound by the procurement process. On that basis, it is not unusual for hedge-cutting companies from outside Kerry to be awarded contracts.

Kerry County Council can confirm that a Leinster based hedge-cutting company has been awarded a contract in Kerry. However, in 2020, of the 9 hedge cutting contracts that were awarded, 8 of these were local contractors. The key principle that underpins these procurement processes is that value for money is achieved.

Cllr. Brendan Cronin referred to paragraph three of the reply and asked if PWS from Dundalk, a reputable company, is the company awarded a contract in Kerry. He asked if Kerry County Council has checked availability of tractors and hedge cutters with this company. He said the contracting of this company is a terrible knock to Kerry companies who employ staff. Kerry County Council's website says, "buy local, spend local, supporting local jobs and maintaining employment" and this contract is a complete contradiction and hypocrisy. Plant hire firms in this county are capable of doing this work. It is an issue because hedge cutting was not done in an area and there is an urgent requirement to address it. Local companies have been betrayed. He asked how many machines PWS have and how ready are they for urgent work.

The Chief Executive said the Local Authority is obliged to acquire its plant from frameworks. Kerry County Council is a public body and does not have the latitude to just employ companies in Kerry; it does not have the authority or legal ability to only employ Kerry firms, public protocols must be followed. It should be noted that eight of the nine companies employed in the county came through procurement and got employment.

Cllr. Brendan Cronin said he had asked about 2021, not 2020, and that information relates to 2020.

The Chief Executive said there are a whole set of standards to be met before companies can be contracted.

Mr. C. O'Sullivan, Director of Services, said there is no difference to the procurement of any plant item or contractor in the county; there is a framework in place for the provision of such services. Once those contractors satisfy the terms and conditions of the tender published, Kerry County Council is bound to get the best value for money. If the contractor is available within the time frames they get the job. The company is PWS and they are a reputable company, as are all contractors on the framework.

Cllr. Brendan Cronin thanked the Director of Services for confirmation of the information and said the company PWS specialises in road sign delineators and traffic control.

Cllr. Charlie Farrelly SECONDED this motion.

## **22. Surveys of Coastal Areas**

### **Pursuant to notice duly given Cllr. Deirdre Ferris PROPOSED:**

That Kerry County Council request that the NPWS carry out surveys into the coastal areas in Kerry to:

- Report to members on the findings
- Establish a list of priority areas in need of repair and protection
- Create a management plan for all the coastal areas to protect the coastline.

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

Cllr. Deirdre Ferris said a study is still awaited and there are significant problems along coastal communities. In some of the main beaches, fences are falling, dunes are collapsing and there is no plan for repair. Lack of fences leads to people going into the dunes and camping. This study must be produced sooner rather than later.

Cllr. Norma Moriarty SECONDED this motion.

## **23. Grant for a Hoist**

### **Pursuant to notice duly given Cllr. John Francis Flynn PROPOSED:**

That Kerry County Council write to both the Minister for Housing and Minister for Health to reinstate the grant for a hoist. I know discussions are ongoing between both Departments about which department is responsible for the hoist grant. This is now nearly 10 months since hoists were removed from the grant and in the meantime it has brought great hardship to many families. This is vital when it comes to trying to keep an elderly person in their own home and not having to be put in a Nursing Home.

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

Cllr. John Francis Flynn said a grant applicant got a grant and was told the grant no longer covers the cost of the hoist. In September/October last the Council was notified that the Department is no longer funding that grant. The Department of Housing are in discussions with the Department of Health regarding which Department will cover the cost of the hoist. Ten months later people are struggling in their own homes and many people are in nursing homes because that funding is not available.

Cllr. Niall Kelleher SECONDED this motion.

## **24. Awareness Campaign on Scam Calls and Text Messages**

### **Pursuant to notice duly given Cllr. Dan McCarthy PROPOSED:**

To ask the relevant Authorities to carry out an awareness campaign to highlight the dangers of scam calls and text messages and to investigate the possibility of setting up a helpline for anyone who would have concerns on the matter.

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

Cllr. Dan McCarthy said there is an amount of scam calls and text messages seeking bank details from people. An awareness campaign on this is required.

Cllr. Johnnie Wall SECONDED this motion.

## **25. Online Registration for Voting**

### **Pursuant to notice duly given Cllr. Fionnán Fitzgerald PROPOSED:**

That Kerry County Council call on the Government to allow people to register to vote online similar to other countries rather than printing off forms and posting applications.

**The following reply issued:**

Kerry County Council understands that there is currently legislation under consideration by Government which would cater for the modernisation of the Electoral Register including the simplification of forms and the registration process, and the development of an online option for registration.

Cllr. Fionnán Fitzgerald said online registration is available in one constituency in Dublin. Young people operate online and other jurisdictions use online registration. Online registration should be introduced and would be a great step forward.

Cllr. Deirdre Ferris SECONDED this motion.

**26. Commercial Rates Waiver**

**Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:**

That Kerry County Council call for a national commercial rates waiver to apply for the last three months of 2021 and the first quarter of 2022 for businesses affected by Covid-19 restrictions and public health guidelines.

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

Cllr. Breandán Fitzgerald said there is a need for a complete emergency package for businesses. Most businesses are still down 75-80% because there are no tourists from overseas. A rates waiver would mean that businesses would, at least, be able to stay open and trading into 2022.

Cllr. Niall O'Callaghan SECONDED this motion.

**27. Unspent Community Involvement Scheme Monies**

**Pursuant to notice duly given Cllr. Norma Moriarty PROPOSED:**

That we seek to have unspent Community Involvement Scheme monies assigned to the LIS list if the CIS funding is not match funded for whatever reason in a given year.

**The following reply issued:**

The Community Involvement Scheme is funded by the Department of Transport as part of the Regional and Local Road Grant Allocations and can only be utilised for works on public roads. The Local Improvement Scheme is funded by the Department of Rural & Community Development and is for private roads only. It would, therefore, not be allowable under the current schemes to transfer funds from the CIS allocation to LIS. However, Members should note the very significant increase in the LIS allocation that was announced nationally during the week.

Cllr. Norma Moriarty noted the reply and asked if cul de sac roads could be allowed under the Community Involvement Scheme in coming years.

Cllr. Johnnie Wall SECONDED this motion.

The Chief Executive said this matter will be presented to the Transport SPC and brought back to council.



## **28. Access onto National and Secondary Routes**

Cllr. Jackie Healy-Rae moved Notice of Motion No. 28 on behalf of Cllr. Maura Healy-Rae.

### **Pursuant to notice duly given Cllr. Maura Healy-Rae PROPOSED:**

That we the members request that the TII and the Department of Transport reconsider their policy on disallowing any new accesses from new developments onto both national and secondary routes. This 'blanket' policy is far too restrictive and is preventing sons and daughters from getting planning permission on their own family land.

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

Cllr. Norma Moriarty SECONDED this motion.

## **29. Junction at Kennedy's Cross**

Cllr. John Francis Flynn moved Notice of Motion No. 29 on behalf of Cllr. Michael O'Shea.

### **Pursuant to notice duly given Cllr. Michael O'Shea PROPOSED:**

To ask both Kerry County Council and TII to address the Junction at Kennedy's Cross, Tinnahalla where the N70 links to the L8007 - requesting a separate exit/slip lane for traffic leaving the N70 entering the L8007.

### **The following reply issued:**

This matter has been discussed at Municipal District meetings on several occasions. The N70 has been upgraded between Milltown and Tinnahalla in recent years. The junction at Kennedys Cross formed part of this upgrade and has been designed fully in accordance with TII standards. The provision of a deceleration or slip lane would not be in accordance with these national road design standards for a junction of this type. However, traffic movements will be kept under review in consultation with the TII and the MD will be kept updated in this regard.

## **30. Emergency Plan for Fallen Bridges**

### **Pursuant to notice duly given Cllr. Johnny Healy-Rae PROPOSED:**

That Kerry County Council would form an emergency plan for dealing with fallen bridges as the length of time they are taking to replace is ridiculous.

### **The following reply issued:**

Kerry County Council will work with statutory undertakers (e.g. OPW, Inland Fisheries) to expedite the necessary consents required to replace bridge structures in emergency situations.

However, the procurement of consultants and contractors as well as specialist materials such as bridge beams is where the timeframe for delivery has the largest impact on the programme for bridge replacement projects. While the Council endeavours to expedite procurement through the use of national frameworks etc., the delivery timeframes are subject to third party resourcing and supply chains and outside the direct control of the Council. Additionally, the procurement process is constrained for projects of this scale due to the limited availability of structural engineering firms providing this type of service to the Council currently.

Cllr. Johnny Healy-Rae said it can take 12-15 months to replace a fallen bridge. Inland Fisheries have a panel in place. A fallen bridge has a dramatic effect on householders, famers and businesses. He asked that this be brought through SPC to put a framework in place.

Cllr. John Francis Flynn SECONDED this motion.

Mr. C. O'Sullivan, Director of Services, said Kerry County Council has a framework in place for bridges. The impact is dependent on the size of the bridge and procurement. In the building sector there are delays with supplies, etc. In an emergency situation replacement of the bridge is expedited. There are protocols in place and unfortunately it does take time.

The meeting concluded at 2.45 p.m.

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

**Cathaoirleach of Kerry County Council**