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**MIONTUAIRISCÍ AN CRUINIÚ DE COMHAIRLE CONTAE CHIARRAÍ  
A THIONÓLADH I gCLUB GAA NA MÍSTÉALLAIGH, TRÁ LÍ, AGUS  
AR-LÍNE/FÍORÚIL AR AN LUAN, 20 MEÁN FÓMHAIR 2021**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN  
JOHN MITCHELS GAA CLUB, TRALEE AND ONLINE, ON MONDAY,  
20 SEPTEMBER 2021**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

Robert Beasley	Michael Cahill	Patrick Connor-Scarteen
Brendan Cronin	Charlie Farrelly	Deirdre Ferris
Breandán Fitzgerald	Fionnán Fitzgerald	John Francis Flynn
Cathal Foley	Michael Foley	Donal Grady
Jackie Healy-Rae	Johnny Healy-Rae	Maura Healy-Rae
Niall Kelleher	Michael Kennelly	Sam Locke
Dan McCarthy	Jimmy Moloney	Marie Moloney
Norma Moriarty	Terry O'Brien	Niall O'Callaghan
Bobby O'Connell	John O'Donoghue	Michael O'Shea
Mikey Sheehy	Aoife Thornton	Johnnie Wall

**APOLOGIES/LEATH SCÉAL**

Seamus Fitzgerald

**IN ATTENDANCE/I LÁTHAIR**

Ms. M. Murrell, Chief Executive	Mr. C. O'Sullivan, Dir. Rds, Trspn & Marine
Mr. M. Scannell, Dir. Job Cr/Sust. ED	Mr. J. Breen, Director Water Services
Mr. M. O'Donoghue, Director Housing	Ms. A. McAllen, Head of Finance
Mr. C. O'Connor, Director Corp. Servs.	Mr. P. Corkery, Meetings Administrator
Mr. O. O'Shea, Press Officer	Ms. D. Griffin, SO Corporate
Ms. O. O'Shea, CO Corporate	Ms. C. Fitzgerald, SO Corporate
Mr. P. Neary, SE Water Services	Mr. B. Looney, Broadband Officer

The meeting commenced at 10.30 a.m.

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

Mr. P. Corkery, Meetings Administrator, said a roll call would now be taken to ensure members attending online can hear and see proceedings.

**Present when Roll Call was taken:**

Cllrs. Robert Beasley, Brendan Cronin, Charlie Farrelly, Deirdre Ferris, Breandán Fitzgerald, Fionnán Fitzgerald, John Francis Flynn, Cathal Foley, Michael Foley, Donal Grady, Jackie Healy-Rae, Maura Healy-Rae, Niall Kelleher, Sam Locke, Dan McCarthy, Marie Moloney, Terry O'Brien, Niall O'Callaghan, Bobby O'Connell, John O'Donoghue, Michael O'Shea, Mikey Sheehy, Aoife Thornton, Johnnie Wall, Cathaoirleach Jimmy Moloney **(25)**

**Absent when Roll Call was taken:**

Cllrs. Tom Barry, Michael Cahill, Patrick Connor-Scarteen, Jim Finucane, Seamus Fitzgerald, Johnny Healy-Rae, Mike Kennelly, Norma Moriarty **(8)**

### **Vote of Sympathy**

Cllr. Aoife Thornton expressed a Vote of Sympathy to the O'Sullivan family and the Lixnaw community on the passing of Eileen O'Sullivan, Jamie O'Sullivan and Morris O'Sullivan.

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

### **Vote of Sympathy**

Cllr. Charlie Farrelly expressed a Vote of Sympathy to the Blennerhassett family on the passing of former staff member Yvonne Blennerhassett.

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

### **Centenary of Partition of the Island**

Cllr. Robert Beasley expressed his disappointment on the comments expressed by former Taoiseach Mr. John Bruton following President Higgins' announcement that he would not be attending an event in Armagh next month, marking the centenary of partition of the Island.

Cllr. John Francis Flynn supported the comments expressed by Cllr. Beasley.

### **20.9.2021.01 Protocols/Induction**

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 the physical meeting Mr. Corkery said we remain in the midst of a pandemic and it is essential public health guidance is adhered to. Public health guidance must be strictly followed by attendees during the physical meeting including; mask wearing throughout the meeting, strict social distancing, hand sanitising, non-congregation of persons and utilising the one-way entry and exit system that is in place.

### **20.9.2021.02 Cathaoirleach's Report on CPG Meeting**

The Cathaoirleach's report on the Corporate Policy Group meeting held on 14 September 2021, which had been circulated, was noted by the Members.

### **20.9.2021.03 Confirmation of Minutes**

On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Aoife Thornton, it was resolved that the minutes of the July Ordinary Meeting of Kerry County Council held on 19 July 2021 be confirmed.

### **20.9.2021.04 Chief Executive's Report to Council**

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

Cathaoirleach Jimmy Moloney welcomed the Chief Executive's Report and the announcement of the extensive Housing Briefing on the Housing for All Plan.

Cllr. Aoife Thornton welcomed the appointment of the Zinc Consultants to support the Branding and Marketing of the North Kerry and Tralee-Fenit Greenways and asked that regular updates would be provided to the Elected Members. She expressed concerns regarding the CLÁR School projects and said as only one project is submitted from North Kerry each year, she requested that the Council would seek additional funding from the Department of Transport to address safety measures at schools. She congratulated all involved and acknowledged the work of the organisers of the Story Telling festival which took place in Listowel at the weekend.

Cllr. Johnnie Wall said the Housing For All Plan is one of the most important documents to be published in decades. The Full Council meeting on this plan should be held as a matter of urgency to ensure the plan is adopted by the end of 2021. He expressed concerns regarding the condition and stability of the walls at Rathass Church. He welcomed the reopening of the Library Services.

Cllr. John Francis Flynn referred to the number of vacant properties where refurbishment works had not commenced. The number of Notices to Quit have increased dramatically and he asked that this would be taken into consideration when the Housing for All Plan is being considered. He referred to the timeframe for the East Iveragh Local Area Plan and said the matter is ongoing for nearly two years. He asked for an update on the Housing landbank and if there are plans in place to purchase land in the Killorglin area. He thanked the Enforcement Officer and Area Engineer for the Hedge cutting in the Kenmare Municipal District.

Cllr. Mikey Sheehy welcomed the Housing for All document. He also welcomed the appointment of the Zinc Consultants to support the Branding and Marketing of the North Kerry and Tralee-Fenit Greenways. A detailed briefing was held on the matter and the consultants' ideas and enthusiasm are welcome. He requested an update on the protocols for Elected Members returning to Council buildings.

Cllr. Brendan Fitzgerald welcomed the appointment of Ms. Aedín Ní Bhriaín to Kerry County Council as Language Development Officer. He noted that the Outdoor Dining Infrastructure at the Dingle Boatyard site is currently out for public consultation. He welcomed the online voucher scheme where €734,232 has been allocated to businesses. He congratulated Kilmoyley GAA Club on winning the Senior Hurling County Championship. He also congratulated the three Olympians Ms. Monika Dukarska, Ms. Aileen Crowley and Mr. David Kenney who represented Ireland at the Olympic games. In addition, he congratulated Josephine Knight, a native of Kerry, who won a silver medal for Team Great Britain. He suggested that the €140,000 paid by Fáilte Ireland to promote tourism in the area should be instead used to fund amateur athletes.

Cllr. Maura Healy-Rae welcomed the Housing for All document and the information session be held with Full Council to review and discuss the document. She referred to the Fáilte Ireland Weatherproofing and Outdoor Dining Infrastructure Scheme in Killarney and asked if planning permission is required. She noted the significant level of funding being spent in one location in the town and expressed the concerns of other businesses in the town. She noted that the cost of renting in Killarney were of the levels seen in 2008.

Cllr. Deirdre Ferris asked for a timeframe on the County Development Plan process. The masterplan for the SAC in the county cannot be completed until the County Development plan is adopted. She supported the comments of Cllr. John Francis Flynn regarding the lack of repairs to vacant properties in the county and asked if the budget for Housing Repairs has been spent for the year. She said she is aware of two vacant properties where works had not yet commenced. The level of Notices to Quit is unacceptable and stressed that the Housing for All full Council Meeting should be held as a matter of urgency.

Cllr. Fionnán Fitzgerald welcomed the announcement that all plastic packaging waste, including soft plastics, can now be placed in household recycling bins and Ecosense bags at our Civic Amenity Sites. He asked that the Council investigate the possibility of re-opening the civic amenity site at Muingnaminnane. This is a fantastic service for the people of Castleisland and North Kerry. He welcomed the appointment of Ms. Aedín Ní Bhriaín as Language Development Officer and the recent works that have commenced on the compilation of a conservation plan for Castleisland Castle. He suggested that it be opened to schools in the future.

Cllr. Michael O'Shea welcomed the Housing for All Plan. He requested a meeting with the Minister for Housing, Local Government and Heritage, Mr. Darragh O'Brien to discuss amending the planning conditions for log Cabin housing designs to address the housing crisis in the country. With the lack of skilled labour and the substantial increase in cost of building materials, it is very difficult for individuals to build homes. He asked for clarification on the return of Elected Members to enter public offices.

Cllr. Robert Beasley referred to the Fáilte Ireland Outdoor Infrastructure Scheme and asked if consideration was given to other towns in the county. The level of funding allocated to one town is substantial while the rest of the county continues to play catch-up. He congratulated Kilmoyley GAA club on winning the Senior Hurling County Championship.

Cllr. Niall Kelleher said in relation to Housing, the programme of works to be delivered is a very daunting task and he commended the Local Authority on the delivery of the Housing Developments in both Rathmore and Tralee. He asked for reassurance that the date for the Community Support Fund scheme would revert to pre-Covid timeframes. He asked if both mobile libraries would be operational from 22<sup>nd</sup> October and asked for clarification on the life span of the second mobile library. He acknowledged the concerns of the Elected Members regarding the Fáilte Ireland Outdoor Infrastructure Scheme but stressed that this scheme is funded by Fáilte Ireland not Kerry County Council. The public consultation is underway, and the Killarney Municipal District Members will ensure that the project is completed to the satisfaction of the public.

Cllr. Marie Moloney said she has spent a lot of time explaining the details of the Fáilte Ireland Outdoor Scheme to the public. There is a public belief that the proposed infrastructure will belong to the establishments next to it and there has been a lot of negative comments on social media on the matter. She said she has explained to the public that this is Fáilte Ireland money and if it is not used in Killarney, it will be spent elsewhere. The Killarney Municipal District Members would have welcomed more distribution of this funding around the town. It must be clarified to the public that this is not going into private ownership. She welcomed the Housing for All plan and said she had discussed with the Minister for Housing, when he recently visited

Killarney, that there is prime property in St. Finians' land for housing and asked that it would not be allowed go into private ownership. She welcomed the introduction of recycling plastics and asked that the mattress amnesty would be reinstated.

Cllr. Charlie Farrelly said the funding for the Community Enhancement Scheme is much needed. In relation to the CLÁR funding he asked that an additional funding mechanism would be sourced to increase the allocation. He welcomed the re-opening of the full library services. He expressed disappointment that the Members were not advised of Minister O'Brien's visit to Farranfore on 6<sup>th</sup> September. He welcomed the appointment of the Municipal District Enforcement Officer to the Castleisland Corca Dhuibhne Municipal District.

Cllr. P. Connor-Scarteen welcomed the Housing for All plan. He asked for an update on the upgrade of the Kenmare Wastewater infrastructure. He welcomed the Digital Innovation Programme. He said concerns have been raised of a safety issue at Derrynane Beach. He said he wants to see the OPW getting more involved with this initiative and capitalising on the scheme. He asked that the Fáilte Ireland Outdoor Infrastructure Scheme would be rolled out to other towns in the county.

Cllr. Brendan Cronin said there is a misconception in the public domain regarding the Outdoor Infrastructure Scheme. Based on the criteria set out by Fáilte Ireland, no other location in the county would have been successful. The project must be welcomed; it is a Fáilte Ireland funded project and the infrastructure will be publicly owned. He referred to the Director of Services Mr. John Breen's comments on Radio Kerry regarding the provision of a dog park. Cllr. Cronin said he proposed this at the May Killarney Municipal District meeting and asked that the matter would be investigated.

Cllr. Sam Locke welcomed the Housing for All plan. He called on the Minister for Housing, Local Government and Heritage to increase the fee to a minimum of €1,000 for objections to a planning application. He asked for an update on the zoning of lands in the county. He thanked all involved in organising the Cultural evening and said he was looking forward to a full reopening of society.

Cllr. Norma Moriarty welcomed the works to Ballinskelligs Castle and the update on the N70 Brackaharagh Project. She supported the comments expressed by Cllr. Patrick Connor-Scarteen regarding the smart technology surrounding beaches and parking bays. This has the potential in high amenity areas to show where an upgrade to infrastructure is required. She welcomed the appointment of Ms. Aedín Ní Bhriaín as Language Development Officer.

The Chief Executive referred to the Fáilte Ireland Outdoor Infrastructure Scheme and said Kerry County Council could have opted not to make an application. An assessment was carried out for several possible locations; however, Kenmare Place was the only location that met the criteria. At a meeting of the Killarney Municipal District, two locations were identified, but the criteria of the scheme would not permit this proposal. Fáilte Ireland have very strict governance guidelines; the location had to be beneficial to businesses and have public access to cater for outdoor dining. The scheme has now gone out to Public consultation and she complimented everybody involved in the scheme.

With regard to the Housing Budget for the voids programme, the Chief Executive acknowledged the Members' concerns, accepted that funding is limited and the works are taking longer to complete. The Housing Department is currently

completing works under the Department's Energy Efficiency Retrofitting Programme which will coincide with the voids programme.

It is anticipated that the Community Support Fund will be rolled out at normal dates for 2022.

In relation to the Mobile Library, an application for funding has been submitted for a second mobile library.

The Chief Executive undertook to investigate the amnesty on the Mattress scheme and revert to Elected Members.

In relation to access to council buildings, the Chief Executive advised the appointment-only system will stay in place. Corporate Services will issue correspondence to Members outlining the details. In relation to staff returning to the building, staff are currently working from home and in the buildings. Due to the nature of local authority business a Business Continuity Plan has been completed which has included the extended working hours for staff. The plan will be reviewed on ongoing basis.

Kerry County Council has commenced the process of preparing the County Development Plan 2022-2028. On completion of the County Development Plan, it is hoped to commence the East Iveragh Local Area Plan.

#### **20.9.2021.08 Presentation from Irish Water**

Cathaoirleach Jimmy Moloney welcomed Mr. Sean Laffey, Head of Asset Management, Irish Water, and his team to the meeting. He invited Mr. Laffey to address the meeting.

Mr. Sean Laffey, Head of Asset Management, Irish Water, introduced his colleagues Ms. Aisling Buckley, Mr. Paul Cremin, Mr. Anthony Kavanagh and Mr. Adrian Mullins.

Mr. Paul Cremin made a presentation to the Elected Members on Kerry Water Projects which included the following:

- Water Treatment Plant Upgrades
- Treated Water Storage Programme (Reservoirs)
- Disinfection & Rationalisation Programmes
- Source Protection Programme (Ground Water)
- HSQE Programmes
- Other Programmes
  - Capital Maintenance
  - Reservoir Cleaning Programme
  - Electrical Programme

Mr. Anthony Kavanagh made a presentation to the Elected Members on Kerry Wastewater Projects which included the following:

- Kenmare Wastewater Treatment Plant Upgrade
- Kilcummin Sewerage Scheme
- Lixnaw Integrated Constructed Wetland
- Small Towns & Villages Growth Programme
- Benefits – Kerry Drainage Area Plans (DAPs)
- Kerry DAPs Progress

Mr. Adrian Mullins made a presentation to the Elected Members on Kerry Watermains which included the following:

- Current Approved Mains Rehab
- Trunkmains Approvals

Cathaoirleach Jimmy Moloney thanked Irish Water representatives for their presentations.

Cllr. Michael Foley asked for clarification from Irish Water on why an application for a water connection is taking up to sixteen weeks; this is delaying planning applications.

Cllr. Charlie Farrelly welcomed Irish Water to the meeting and congratulated them on the upgrade to the Farranfore Scheme. He said nine families in Cragg, Castleisland, are looking to be connected to a scheme and asked that Irish Water would investigate the matter further. The quality of water to these households is unacceptable.

Cllr. Brendan Cronin welcomed the representatives from Irish Water to the meeting and thanked everyone for the update. He moved Notice of Motion No. 15.

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

Can Irish Water specify how much immediate funding is being allocated to address the crisis in the vast Mid Kerry Water Supply Scheme following the shocking confirmation of over 68 water mains burst in the last 12 months and that they identify the locations of all new replacement mains.

**The following reply issued:**

The following reply has been received from Irish Water:-

Irish Water have recently allocated a budget of approximately €1.2m to complete construction of 2.7km of trunkmains on the Board of Works road and to start designs for approximately 1.2km of mains between Crohane PH and Barleymount and 2.9km of mains on the Listry to Faha road. It should be noted that Irish Water have in addition recently allocated c. €2.6m to complete works on the Central Regional Scheme. In all Irish Water have allocated an additional €3.7m to upgrade watermains in Kerry.

Cllr. Brendan Cronin asked that Irish Water would expedite the funding for the Mid Kerry Water Supply Scheme given that there has been 68 breaks to this scheme in the last 12 months. He asked for details on the Listry to Faha and the Crohane to Barleymount mains rehabilitation works. He welcomed the funding announced for the Board of Works road. He referred to the recent situation in Enniscorthy where a boil water notice should have been introduced and asked for clarification from Irish Water on the quality of drinking water in Kerry and asked if it is monitored on a continuous basis. He asked for clarification as to whether the land has been secured for the Kilcummin Sewerage Scheme.

Cllr. Niall O'Callaghan supported comments expressed by Cllr. Brendan Cronin regarding the Kilcummin Sewerage Scheme. He expressed frustration on the amendments to the scheme. He said the whole situation is embarrassing and asked for clarification on the timeline of the scheme and who made the decision to amend the scheme. In relation to water outages in Kerry during the summer months, he asked if Irish Water have a backup plan in place should this happen again. He asked

that consideration be given to allow Water Services employees remain employed by Kerry County Council.

Cllr. Jackie Healy-Rae thanked Irish Water for the update. He asked for details on the Farranfore to Kilsarkan trunk main, including the closing date for the scheme. He asked what plans Irish Water has in place for areas where there is untreated water and no existing water treatment plants. These plans are required for the upcoming County Development Plan. He supported comments expressed by Cllr. Niall O'Callaghan regarding a backup plan for the recent water outages in the county. He requested that Irish Water attend a future meeting of the Full Council to update the Members.

Cllr. Deirdre Ferris referred to the connection of the Ardfert pipeline to the Kerry Central Regional WSS. It was due to be completed in Q1 of 2021 and now it has been delayed to Q3 2022.

Cllr. Aoife Thornton asked if consideration will be given to opening the walkway surrounding the Wetlands in Lixnaw in early 2022. She asked for an update on the timeframe for the Ballyduff Wastewater Scheme. She said there are significant issues in Market Street and asked if the responsibility is with Kerry County Council or Irish Water. She referred to the Ballinglanna Water Scheme, which was recently taken in charge, there are sections of the scheme where the water is of very poor quality and asked that this would be addressed.

Cllr. John Francis Flynn welcomed the recent funding for the Board of Works road. He referred to the water outages in the county in July 2021 and asked if Irish Water has provision in place should this outage occur again. It was very difficult for businesses that had to close. He asked that the Water Services staff remain employed with Kerry County Council as their knowledge of the county is irreplaceable.

Cllr. Patrick Connor-Scarteen expressed concern that Kenmare town is at a standstill and the upgrade to the Wastewater Treatment Plant is urgently required. People are trying to move to the Kenmare area and facing difficulty with planning applications and businesses are struggling to find suitable premises. He asked that the application to upgrade the Kenmare Sewerage Scheme be expedited. He welcomed the funding for the Board of Works road, but more works are required. He asked that today's presentation be circulated to the Elected Members.

Cllr. Johnny Healy-Rae thanked Irish Water for attending the meeting. He welcomed the funding for the Board of Works road and the fantastic work done. He said there is a section below Beaufort Village at Joy's Cross where there is no scheduled works planned and he asked that it be looked at. He welcomed the works at Lauragh Water Scheme and said it makes a huge difference. He expressed concerns that when there is a water outage in this area, it can take 2-3 days before it is repaired. He expressed concerns regarding the proposal to connect the Bonane Scheme to the Dawros Scheme over the coming weeks. He said there isn't adequate water supply to facilitate this connection and asked that the Bonane scheme be revisited. He expressed concerns regarding the timeframe to upgrade the wastewater treatment plant in Kenmare. A planning application will be out of date next March and one of the conditions of the application is the Wastewater Treatment plant is upgraded. He asked that the upgrade works be fast tracked.

Cllr. Mikey Sheehy asked for a timeline for the construction of the wastewater treatment plant in Fenit.

Cllr. Marie Moloney thanked Irish Water officials for attending the meeting. In relation to the Kilcummin Sewerage Scheme, she asked for clarification as to whether the land has been secured and what is delaying the scheme. The residents of Kilcummin who have been omitted from the scheme are very frustrated. She expressed disappointment that the scheme will not include the Kilcummin GAA Club. She referred to the Listry to Faha water supply scheme and said that residents are very frustrated with the recent water outages on this scheme and asked if Irish Water would replace the pipes.

Cllr. Maura Healy-Rae said proposals for the Kilcummin Sewerage Scheme are completely inadequate with three roads being left out of the amended scheme. Billions have been invested in Irish Water and if the scheme is not adequate, Irish Water will end up having to resolve the issues over the coming years.

Cllr. Robert Beasley thanked Irish Water for the presentation. He expressed concern regarding the timeframe to repair outages; works that previously took 48 hours to repair are now taking a month, one of which included a recent outage at a facility attended by people with disabilities.

Cllr. Donal Grady said he was very disappointed with Irish Water and didn't think it was fit for purpose.

Cllr Michael O'Shea commended Irish Water on their presentation and said that the call centre is always most helpful. He asked that Irish Water would investigate the reservoir at Laharn, Milltown; the line is very old, and the pipe is cracking.

Cllr. M. Cahill moved Notice of Motion No. 1.

**Pursuant to notice duly given Cllr. M. Cahill PROPOSED:**

That Kerry County Council demand that Irish Water provide a comprehensive and detailed roadmap of their plans to provide a competent and healthy, fresh water, wastewater and sewerage systems to all areas in this County, to include proposed timeframe, budget, areas to be serviced etc. The level of service in all these areas is well below an acceptable standard, as has been proven in recent times and further excuses cannot be contemplated by our citizens.

**The following reply issued:**

Irish Water is responsible for the public water and wastewater infrastructure and is committed to providing a safe and reliable water supply, protecting the environment and supporting the growth of homes and businesses. The building, repair and upgrading of Irish Water's water treatment plants, wastewater treatment plants, water and sewer network will require a multi-billion euro investment programme over many years. Investment in water services infrastructure is ongoing in Kerry with numerous water and wastewater projects in varying stages of development. A presentation that was given to County Kerry elected representatives in July of this year provides further detail.

Works have been prioritised to address the most critical issues in line with the Government's Water Services Policy Statement and Irish Water's Strategic Funding Plan. The current Capital Investment Programme (CIP) covers the period 2020 – 2024. In this period, Irish Water plans to invest €5.2 billion in drinking water and wastewater quality and capacity and new infrastructure. In developing the CIP, we have engaged extensively with Local Authorities to identify priority investment areas

and to support growth in the delivery of our strategic plan. Irish Water is proceeding with plans to update all stakeholders on our investment plans and programmes through to 2024. We will be sharing updates and organising meetings over the coming months to further support planning and engagement at local and national level.

Full details of projects currently underway in Kerry can be found at [www.water.ie/projects-plans/](http://www.water.ie/projects-plans/)

Cllr. Michael Cahill said there have been breaks in the Beaufort scheme almost every single day. A hotel has recently been refused planning permission due to the wastewater issues in Glenbeigh Village. The county is stripped of a basic necessity; it is a human right to have clean drinking water.

Cllr. Sam Locke asked for clarity on the ongoing installation of water meters and the cost involved to carry this out. He asked if cost savings could be made by ceasing this programme.

Mr. Sean Laffey, Head of Asset Management stated that the transition to Single Public Utility is Government policy, he is not involved in the discussions and cannot comment on it. This is matter between the Department of Housing, Local Government and Heritage and Irish Water.

In relation to water quality, Mr. Laffey confirmed that there is no issue with water quality in Kerry; it is tested and Irish Water will advise if they become aware of any problems.

Under the Water Rehabilitation Programme, Irish Water prioritises a scheme each year based on the number of bursts. Pipes laid in the 1970s are coming to end of life. He confirmed that Irish Water has no involvement in putting infrastructure into areas that do not currently have a public network. Irish Water will endeavour to fast track upgrades to existing networks but are under huge pressure to do so.

The domestic water metres are used to measure water pressure and monitor leaks.

In response to a query from Cllr. Deirdre Ferris regarding the Ardfert Water Supply Scheme, Mr. J. Breen, Director of Services, confirmed that the works will commence in Q1/Q2 2022. There is a delay with materials. The scheme will be done by direct labour with a completion date of Q3 2022.

Cathaoirleach Jimmy Moloney thanked Irish Water for the presentation and asked that more time would be allocated for the next meeting.

Cllr. John Francis Flynn requested a physical meeting with Irish Water before year end.

Cllr. Maura Healy-Rae supported this proposal.

Cllr. Deirdre Ferris asked that for future meetings with Irish Water questions would be submitted in advance of the meeting to allow Irish Water to provide answers.

### **20.9.2021.05 Disposal of Property**

On the PROPOSAL of Cllr. Patrick Connor Scarteen, **SECONDED** by Cllr. Jackie Healy-Rae, it was agreed to approve the disposal of a plot of ground consisting of

approximately 0.05 acres in Folio KY5210 at 9 Emmets Place, Kenmare, Co. Kerry, situated in the townland of Kenmare, in the District Electoral Division of Glanarought, to *(Name & address withheld for data protection purposes. A paper copy of the unedited document is available on request)*, in accordance with the terms of notice issued 31 August 2021 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

### **20.9.2021.06 Nominations to South Kerry Development Partnership CLG**

Mr. C. O'Connor, Director of Services, referred Elected Members to report dated 10 September 2021 regarding the appointment of Elected Members to the Board of South Kerry Development Partnership. He outlined that as required by the Memorandum and Articles of Association of South Kerry Development Partnership CLG (SKDP), one-third of the Board retire by rotation at the SKDP's AGM each year. As a result, three of the four elected member representatives of Kerry County Council, Cllr Donal Grady, Cllr John Francis Flynn and Cllr Maire Moloney retire by rotation at this year's AGM. The fourth elected member, Cllr Michael Cahill is not due for re-election. Clause 6 – Article 51 of SKDP's Constitution, outlines that a Director who retires by rotation may, if willing to act and if re-nominated by any Pillar or Sector, be re-appointed a Director for a further term provided that no person shall be re-appointed more than twice and provided further that no person shall hold the office of Director for more than two consecutive terms. As a result, a director can only serve three terms of office in total and only two of those can be held consecutively.

- Cllr Marie Moloney has served two terms of office (not consecutively) and as a result is eligible for re-appointment.
- Cllr Donal Grady has served three terms of office (2009-2011, 2011-2015, 2018-2021) and under the SKDP constitution is not eligible for re-appointment.
- Cllr John Francis Flynn has served two consecutive terms and consequently under the SKDP constitution is not eligible for re-appointment on this occasion

Consequently, South Kerry Development Partnership CLG require THREE elected members to be nominated by Kerry County Council to their Board. These nominations will be ratified at the SKDP Annual General Meeting on 28 September 2021.

Paragraph 18, Schedule 10 of the Local Government Act sets out that the Grouping System may apply where two or more persons are to be appointed to a LEADER group.

Where 2 or more persons are to be appointed by a local authority to a body to which this paragraph applies, then –

- (a) any group of members who are present at the meeting at the time when the business of making the appointments is reached and comprising the number of members necessary for the purposes of this paragraph may nominate a person to be a member of that body and the person shall be so appointed on that nomination without any vote being taken.

Details of the relevant legislation and procedures regarding the utilisation of the Grouping System were circulated with the report to Elected Members.

Mr. P. Corkery, Meetings Administrator, stated that the nominations under this item would be selected on the basis of the Group System and a roll call of attendance

would now be taken to determine the number of Elected Members present and, therefore, the number required to form a Group.

The Meetings Administrator took a roll call of attendance the result of which was:

**Present for the Roll Call for Agenda Item No. 6 - SKDP:**

Cllrs. Robert Beasley, Michael Cahill, Patrick Connor-Scarteen Brendan Cronin, Charlie Farrelly, Deirdre Ferris, Breandán Fitzgerald, Fionnán Fitzgerald, John Francis Flynn, Cathal Foley, Michael Foley, Donal Grady, Jackie Healy-Rae, Johnny Healy-Rae, Maura Healy-Rae, Niall Kelleher, Mike Kennelly, Sam Locke, Dan McCarthy, Marie Moloney, Norma Moriarty, Terry O'Brien, Niall O'Callaghan, Bobby O'Connell, John O'Donoghue, Michael O'Shea, Mikey Sheehy, Aoife Thornton, Johnnie Wall, Cathaoirleach Jimmy Moloney **(30)**

**Absent for the Roll Call for Agenda Item No. 6 - SKDP:**

Cllrs. Tom Barry, Jim Finucane, Seamus Fitzgerald **(3)**

As Cllr. Fionnán Fitzgerald was attending the meeting online, Mr. P. Corkery, Meetings Administrator, allowed five minutes after the Cathaoirleach's name was called for Cllr. Fionnán Fitzgerald to indicate his presence, as provided for in the Supplementary Standing Orders for the management of Remote Meetings adopted by Elected Members. Cllr. Fionnán Fitzgerald subsequently entered the venue prior to the five minutes elapsing.

Mr. P. Corkery, Meetings Administrator, confirmed that 30 Elected Members indicated that they were present, and therefore, a group required 10 Elected Members to nominate a person to the board of SKDP.

The Meetings Administrator invited any group formed to make itself known to the Meeting.

Cllr. Donal Grady PROPOSED Cllr. John O'Donoghue to be nominated to the board of SKDP.

Cllr. Maura Healy-Rae SECONDED this proposal.

Mr. P. Corkery, Meetings Administrator, outlined that a group of 10 Elected Members is required to nominate an Elected Member to the board of SKDP.

The following Elected Members indicated that they would form a group to nominated Cllr. John O'Donoghue to the board of SKDP:

Cllrs. Donal Grady, Maura Healy-Rae, Johnny Healy-Rae, Brendan Cronin, Jackie Healy-Rae, Niall O'Callaghan, Dan McCarthy, Sam Locke, John O'Donoghue and Niall Kelleher.

Mr. P. Corkery, Meetings Administrator, DECLARED Cllr. John O'Donoghue nominated to the board of SKDP.

Cllr. Terry O'Brien PROPOSED Cllr. Marie Moloney to be nominated to the board of SKDP.

Cllr. Charlie Farrelly SECONDED this proposal.

Cllr. Mikey Sheehy PROPOSED Cllr. Fionnán Fitzgerald to be nominated to the board of SKDP.

Cllr. Breandán Fitzgerald SECONDED this proposal.

Mr. P. Corkery, Meetings Administrator, said as there were no further nominations proposed Cllr. Marie Moloney and Cllr. Fionnán Fitzgerald were deemed nominated to the board of SKDP.

Cllr. Johnny Healy-Rae asked when the grouping procedure came into effect.

Mr. P. Corkery, Meetings Administrator, said Paragraph 18, Schedule 10 of the Local Government Act sets out that the Grouping System may apply where two or more persons are to be appointed to a LEADER group.

### **20.9.2021.07 2022-2024 Multi-Annual Restoration Improvement Programme**

Mr. Charlie O'Sullivan, Director of Services, briefed Elected Members on the report regarding the 2022-2024 Multi-Annual Restoration Improvement Programme dated 17 September 2021 which had been circulated. He outlined that the Department of Transport has requested Kerry County Council's proposals for the next Multi-Annual Restoration Improvement Programme, for the period 2022 to 2024.

The Council is currently preparing the 3-year plan, which will be done in consultation with the members, and will be presented at the October Council meeting for adoption. The plan must be submitted to the Department of Transport on or before Friday 29<sup>th</sup> October 2021. This is one of the primary sources of funding for the annual roads programme, with over €12m in grant aid allocated to Kerry in 2021, specifically for this element. The new plan is for an investment of approximately €36.5m on our road network, over the next 3 years.

At recent meetings, members have sought for an increase in the funding towards the improvement of cul-de-sac roads. These are primarily local tertiary roads. The report circulated to Members examines the options and implications of increasing funding for these roads and was considered by the members of the Transport SPC, at its meeting of the 17<sup>th</sup> September 2021.

The report also sets out the background to the scheme, provides a review of the last 2019-2021 programme, includes an assessment of the current condition of the road network, and gives an overview of the criteria in the Department's circular including factors to be considered in the development of the new programme.

### **Road Condition Comparison – 2019 NOAC Indicator Report**

A system of recording pavement condition surveys was introduced in 2014. A report on the road conditions, as contained in the 2019 NOAC Performance Indicators, was presented to the Transport SPC in April 2021, and included a comparison of the road network with other similar sized and neighbouring local authorities on the western seaboard. A summary is given in Table B below.

**Table B – Comparison with other Similar Sized counties from 2019 NOAC Report**

Road	Regional		Local Primary		Local Secondary		Local Tertiary	
	Good	Poor	Good	Poor	Good	Poor	Good	Poor
Kerry	79	21	73	25	59	33	40	37
Clare	67	32	70	30	60	32	37	46
Galway	73	25	54	46	50	48	73	25
Donegal	71	29	64	34	62	35	32	40
Mayo	69	31	51	48	39	59	31	60
Tipperary	69	31	62	37	59	39	35	47
National Mean	71.9%	27.1%	63.8%	34.4%	53.9%	43.2%	40.6%	40.9%

The Results clearly indicate that, through the investment in the road network, from grant aid and Council own resources, the condition of the road network in the county is relatively good and above the national mean. However, significant continued investment is required having regard to the length of the road network classified as being in poor condition.

Over 99% of the of the road network in the county has been surveyed over the past two years. Table C below provides a summary of the current condition of the road network, by road class, with a comparison on the survey results of 2019 and a cost estimate to bring the road network up to a good standard.

**Table C – Comparison of 2021 with 2019 PSCI ratings and Estimated Cost of Repairs**

Road	Regional		Local Primary		Local Secondary		Local Tertiary	
	Good	Poor	Good	Poor	Good	Poor	Good	Poor
Kerry- August 2021	84%	16%	75%	25%	60%	39%	47%	52%
Kerry - 2019	79%	21%	73%	25%	59%	33%	40%	37%
Est. Cost to improve		€ 86m		€ 34m		€ 46m		€ 74m

The above review of the PSCI ratings shows a marginal improvement in the condition of the roads since 2019, particularly on the Regional and Local Primary Roads, which reflects the increase in funding in more recent years.

However, works undertaken on roads have a lifespan, which is dependent on factors such as traffic volumes, percentage of HGVs, risk of damage by flooding, underlying ground conditions, the pavement design, etc. Roads that are classified as having a PSCI rating of 7/8, without regular and timely maintenance, could deteriorate to a rating of 5/6 within a 5 to 10 year timeframe. Regional and Local Primary roads are critically important for the economic development of the county, carrying higher volumes of traffic, connecting towns and villages across the county with essential services, such as education, employment and include key tourism routes, including the Wild Atlantic Way.

The estimated cost of addressing the roads, currently classed as being in poor condition, is €240m, which with the current level of funding under the RI programme will take in excess of 20 years. The design lifespan for a road pavement is approximately 20 years and therefore the current level of funding will only provide for maintaining the entire non-national road network in its current state.

### **Conditions of the Grant Allocation**

The Department of Transport have specified a number of conditions in relation to the programme to be submitted. The main conditions have been summarised as follows:

- The programme is to be developed with annual budget of €12.166m, which is equivalent to the 2012 grant allocation under this programme. However, given the history of increased funding over the past 3 years, it is proposed to prepare a reserve list of schemes that could be advanced in the event of additional funding allocations.
- The programme is to be submitted in order of priority for the county and not on a Municipal District basis. However, our survey data indicates that the proportion of poor roads to be improved, is relatively compatible with the length of the non-national road network across each of the Municipal Districts. Having regard to our statutory obligation to prepare Annual Schedule of Municipal District Works Plans, as well as our capacity in the Municipal Districts to deliver the program, it is proposed that the Council continue to develop and prioritise programmes on an MD basis and that these programmes are then amalgamated into a single county-wide annual programme for each year of the multi-annual programme.
- Roads selected should have good drainage or the ability to improve drainage in advance of or as part of the RI scheme.
- The Circular requires that RI works on Regional Roads must account for at least 15% of the total annual expenditure of adopted projects. Analysis of the previous 3-year programme has shown that the level of investment in Regional Roads averaged 28.8% over the 3 years and was in excess of 15% in each year of the programme. The outcome of the 2021 pavement condition survey identified that an investment of €86m (36% of the overall investment) is required to improve the entire regional road network.

### **Other factors to consider in preparation of the 3-year programme**

Other factors to be considered include flexibility to adjust the programme in the event of damage to the road network from severe weather events, the need to include the footpath on proposed road improvements in urban environs and allowing for inflationary increases in labour, plant and material costs. A 2% increase in costs annually be applied to the 2022-2024 programme.

Where road improvements are identified as part of a URDF/RRDF or other regeneration funded programme, the chargeability of the road works funded from an RI programme is permitted as a contribution towards the URDF/RRDF funding. Given the significant investment required from other sources, including the Councils own resources, towards these regeneration schemes, it will be necessary to include such roads in the next RI programme.

It is noted that the adoption of a Multi-Annual Restoration Improvement programme is a reserved function of Council. In advance of the preparation of the programme, the elected members are invited to consult with the MD team and to make submissions on roads to be considered for funding, having regard to the criteria specified in the Circular. All members have been informed of the development of the programme and further briefings will be arranged at MD level.

## **Key Issues & Recommendation from Transport SPC**

The primary objective of the report to Elected Members, and the consideration by the Transport SPC, was to examine an increase in funding for the improvement of local tertiary roads.

A number of options were considered. The members of the Transport SPC acknowledged the challenges and the implications. In particular the following points were noted:-

- Whilst welcoming the recent increases in grant funding, it was acknowledged that the current funding will only provide for keeping roads in a steady state condition and additional grant aid is needed.
- The strategic importance of the Regional and Local Primary Roads and, given the high level of traffic on these routes, there is a continual need to apportion a higher percentage of funding to these routes. The majority of local tertiary roads are estimated to have less than 50 car journeys daily, whilst the regional roads and some local primary roads in towns and villages could have in excess of 1500 car journeys per day.
- Whilst the local tertiary roads have significantly lower traffic volumes, with a widely dispersed population served, communities living on these routes are more likely to be elderly, dependant on car transport for access to services and social supports.

Taking all of the above factors into account and the views expressed by the members, an increase in the level of funding for local secondary and local tertiary roads is recommended, whilst continuing to protect the strategic routes. The adjustment set out in the table below was recommended by the members of the SPC.

Road Class	Total Length	Poor Cond 2021		2018 - 2021 Outturn			Recommended Allocation			Adjustment	
		km	% age	km	Km	€	% age	Km	€	% age	+/-
<b>Regional</b>	537	16%	86	47.1	9.7 m	28%	42	9.2m	25%	- € 0.5m	- 5%
<b>L. Primary</b>	1152	25%	288	115.8	13.6m	41 %	104	12.7m	35%	-€ 0.9m	- 7%
<b>L. Secondary</b>	1308	39%	510	71.6	6.5m	19 %	84	m	22%	+ € 1.5m	+ 23%
<b>L. Tertiary</b>	1497	52%	778	43.2	4.1m	12 %	67	6.6m	18%	+ € 2.5m	+ 61%
					33.9m	100 %		36.5m			

The identification of routes to be improved will have to have regard to the PSCI rating, as specified by the Department of Transport, but given the extensive local secondary and local tertiary roads to be improved, local knowledge of the level of road usage and any extenuating circumstances, should be considered. Given the timeframe for development of the programme, this is best determined at local level through consultation between the local MD staff and elected members.

The members of the Transport SPC also acknowledged the need for a “reserve list” of roads to be adopted by Council in the event of an increase in grant aid over the coming 3 years, but recommended that the value of the reserve list should be approximately €7m, having regard to the increase in funding received on the previous programme.

The data now being gathered for the NOAC Performance Indicator returns, in particular the road condition surveys, will allow for a more detailed assessment and

understanding of the impact on the adjustments in funding on the road network going forward.

Cathaoirleach Jimmy Moloney thanked Mr. O'Sullivan for his report and noted that a submission under this Programme must be made by Friday, 29 October 2021.

Cllr. Charlie Farrelly said Elected Members should be allowed to submit a list of roads for consideration.

Cllr. Jackie Healy-Rae asked if it is possible for the ratings of the road to be sent to the Elected Members and said he understands the rating has to be six or less in order for the road to qualify for this programme.

Cllr. Marie Moloney supported this request.

Cllr. Brendan Cronin said Killarney Municipal District, between tourism and everything else, has the most substantial volume of traffic. He welcomed that there will be a focus on tertiary roads. He supported Cllr. Farrelly's request that Elected Members be allowed to submit roads. The Killarney Municipal District has roads in a dreadful condition, a lot more than six in Killarney Municipal District could be submitted. He suggested that nine roads could be allocated, i.e. three roads per year for three years. If a road is not in this Roads Programme it will not receive funding.

Cllr. Johnny Healy-Rae supported Cllr. Farrelly's and Cllr. Jackie Healy-Rae's proposals. He said many roads are in a bad state due to poor maintenance, no drainage works, overhanging hedges and blocked drains and gullies. Kerry County Council are not even cutting their own hedges let alone policing hedge cutting.

Cllr. Norma Moriarty welcomed the report and the increase in funding for tertiary roads. There is another element to be considered rather than just the volume of traffic on the roads, i.e. the number of times the local crews are called to a road. This programme will also benefit time management of crews. She welcomed this and said Kerry County Council has a responsibility to ensure roads are properly funded.

Cllr. Sam Locke asked if a cul de sac road will be eligible. He PROPOSED the adoption of the 2022-2024 Multi-Annual Restoration Improvement Programme.

Cllr. Michael Cahill welcomed Mr. John Sugrue as the Area Engineer in Killorglin and thanked Mr. Brian Hickey for his work. Cllr. Cahill disputed the ratings in this report and called for a special submission to be made to the Department for additional funding for every road in the county. Sections of the Ring of Kerry road are treacherous, this is the premier tourism route and overgrown hedges are blocking majestic views on the route.

Mr. C. O'Sullivan, Director of Services, said the roads programme is for local roads. As was highlighted in the report, the extent of road network in poor condition will cost €240m to be brought up to standard. Of the roads identified as being in poor condition, only 5% will be funded on an annual basis. It is a challenge which needs prioritising. The ratings are a national system based on where roads are in poor condition. If roads are in poor condition, they meet the survey requirements that are in place. The best option is to liaise with Municipal District Engineers regarding concerns in relation to roads in poor condition. The Municipal District Engineers will identify the classification of the roads to Elected Members. In relation to the request regarding submitting nine roads, a practical approach must be taken.

On the PROPOSAL of Cllr. Sam Locke, SECONDED by Cllr. Aoife Thornton, it was agreed to approve recommendations of the Transport SPC regarding the 2022-2024 Multi-Annual Restoration Improvement Programme.

### **Suspension of Standing Orders**

The Cathaoirleach indicated that it was 1.30 p.m. and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Aoife Thornton, it was agreed to suspend Standing Orders to allow the meeting to continue.

### **20.9.2021.09 Process for Elected Members' Submissions to the Draft County Development Plan**

Mr. M. Scannell, Director of Services, referred Elected Members to the report regarding Proposed Procedures for Members' submissions to the Draft County Development Plan dated 14 September 2021 which had been circulated to Elected Members. He outlined that the Draft Kerry County Development Plan 2022-2028 is nearing finalisation by the Executive for consideration by the Elected Council. It is planned to have the Draft Plan circulated to the Council by 30 September 2021. Under section 11(5) (c) of the Planning & Development Act 2000 the Members can amend the draft by resolution.

It is important that a process be established and agreed by Council regarding the consideration of the Draft Plan so that Members have appropriate time and information to consider the Draft Plan in compliance with their legal requirements, as set out in the legislation.

The consideration of the Draft County Development Plan by Members is a critical element of the development plan process and must be carried out in a structured manner, so that there is full clarity around the decision making process. The implications of any proposed amendments submitted by individual Members must be considered by the Executive so that the full Council can consider the matter in a fully informed manner.

This is particularly important in relation to the environmental assessments that are required in relation to policies that must be undertaken as part of the plan development process. It will be necessary for the planning staff to have reasonable time to consider these proposed amendments and to prepare a response/advice, particularly in light of the Habitats and EIA directives.

It is also likely that conflicting or varying modifications may be submitted by Members of the Council, which will need consideration and a comprehensive response from the Executive to allow the Council to come to an informed conclusion on the matter.

In order to facilitate proper debate, full information and a structured response from the Executive, submissions are required in advance and the following procedure is proposed for approval by Council to deal with the consideration of the Draft County Development Plan.

1. The Draft Plan be circulated to the Elected Council by 30 September 2021.
2. It is proposed to hold a workshop with the Members to deal with the process, governance, ethics and the structure of the Plan. It is proposed to hold this workshop on Monday, 11 October 2021
3. It is also proposed to hold a briefing with Members to outline the content and major policy areas within the Plan. This briefing will be held on 14 October 2021.
4. Members will be requested to submit any modifications in writing, to include maps where necessary, by 29 October. It is necessary to include this cut-off date for modifications to allow appropriate assessment of the modifications and to issue a detailed report to full Council. These proposed modifications will be assessed by the Executive individually and grouped thematically to identify any conflicts/varying modifications and a detailed report will be circulated to Members in advance of considering the Draft Plan.
5. A special meeting of Kerry County Council will be held on 22 November to consider the report and the adoption of the Draft County Development Plan, so that it can issue for public consultation. The Draft Plan will be on display for 10 weeks. The public may submit proposed modifications on any aspect of the Draft Plan at this point, which will be further considered by the Executive and Full Council in the new year.

Cllr. Brendan Cronin said he has no issue with the proposed system and said he had requested at a Killarney Municipal District meeting that Elected Members be provided with detailed, close-up maps of areas where there are designations of strong urban pressure.

Cllr. Michael Foley said the County Development Plan is very important, but there are two major documents that are still outstanding from Government; the Wind Energy Guidelines and the Rural Planning Guidelines. It is unfair that these documents are not available when Kerry County Council is considering its County Development Plan. He said Rights of Way are to be registered by 30 November 2021 and asked if Kerry County Council has registered all Rights of Way.

Cllr. Aoife Thornton asked that all appendices to the Draft County Development Plan, e.g. the Caravan policy, also be made available to Elected Members.

Cllr. Maura Healy-Rae said the Rural Strategy needs to be clarified.

Cllr. Norma Moriarty asked that the workshop on 11 October be scheduled for the morning as there is a LAG/LCDC meeting scheduled for the afternoon of 11 October.

Mr. M. Scannell, Director of Services, said at any given time there will be national policies outstanding. There would be no County Development Plan for the last 10 years if Council were waiting for the Wind Farm Policy Guidelines. It is not possible to wait for the publication of the outstanding guidelines. The policies have been reviewed and there are significant changes in approach to rural settlements and wind farm policies which will be contained in the Draft County Development Plan. He asked that Elected Members would consider the Draft County Development Plan when made available on 30 September.

Cllr. Breandán Fitzgerald asked that all meetings in relation to the County Development Plan be held as physical meetings as the blended approach is not good enough.

The Chief Executive said the regulations in place allow for blended meetings. Elected Members that wish to attend meetings remotely at this time must be facilitated.

Mr. M. Scannell, Director of Services, said the County Development Plan is not an entire list of the public Rights of Way within the county. Rights of Way that are known to the Council are listed within the County Development Plan. It does not give a Right of Way any further credence.

On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Johnnie Wall, procedures for Members' submissions to the Draft County Development Plan were agreed as set out in report from the Director of Services to Elected Members dated 14 September 2021.

#### **20.9.2021.10 Ethics Officer for Kerry County Council**

Report dated 16 September 2021 on this item, which had been circulated, was noted.

#### **Lunch break**

Cathaoirleach Jimmy Moloney said it was 1.50 p.m. and the meeting would now adjourn for lunch and resume at 2.30 p.m.

The meeting adjourned for lunch at 1.50 p.m. The meeting resumed at 2.40 p.m.

#### **20.9.2021.11 Dates for Meetings**

a) On the PROPOSAL of Cllr. Niall O'Callaghan, SECONDED by Cllr. Jackie Healy-Rae, it was agreed that

Draft Budgetary Plan Meetings for the five Municipal Districts be held on:

##### **Thursday 4<sup>th</sup>/Friday 5<sup>th</sup> November 2021:**

- i. Tralee Municipal District – Thursday, 4<sup>th</sup> November 2021 at 9.30 a.m.
- ii. Castleisland-Corca Dhuibhne Municipal District – Thursday, 4<sup>th</sup> November 2021 at 12.30 p.m.
- iii. Listowel Municipal District – Thursday, 4<sup>th</sup> November 2021 at 3.30 p.m.
- iv. Kenmare Municipal District – Friday, 5<sup>th</sup> November 2021 at 10.30 a.m.
- v. Killarney Municipal District – Friday, 5<sup>th</sup> November 2021 at 3.00 p.m.

b) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Breandán Fitzgerald, it was agreed that the Budget Meeting of Kerry County Council would be held on Monday, 29 November 2021 at 10.30 a.m.

c) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Breandán Fitzgerald, it was agreed that in relation to the Kerry County Development Plan 2022-2028:

- i. A Workshop on process/procedures for Draft County Development Plan would be held on Monday, 11<sup>th</sup> October 2021
- ii. A Briefing on Draft County Development Plan would be held on Thursday, 14<sup>th</sup> October 2021
- iii. A Special Meeting for consideration of the Chief Executive's Report on the Draft County Development Plan by Elected Members would be held on Monday, 22<sup>nd</sup> November 2021

### **20.9.2021.12 Opening of Tenders since the July meeting**

On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Breandán Fitzgerald, it was agreed to note the opening of tenders for:

- (a) Kerry County Council R556 Moybella Bridge Replacement Contract - Closing Date: 21 June 2021
- (b) Kerry County Council Accommodation Redevelopment - Engineering (Structural and Civil) Led Design Team Consultancy Services for the Redevelopment of Traveller-specific Accommodation and associated Siteworks at Rathass, Tralee, Co. Kerry – Closing Date: 25 August 2021
- (c) Kerry County Council Bridge Rehabilitation 2021 Contract 4 - Closing Date: 15 September 2021

### **20.9.2021.13 Approval for the Opening of Tenders**

- (a) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Jackie Healy-Rae, it was agreed to approve the opening of tenders for Supply and Installation of minimum 38 cu.m. Pre-Cast Drinking Water Storage Tank at Tonevane, Tralee, Co Kerry - Closing Date: 22 September 2021.
- (b) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for N21 Network Safety Improvements Contract 2 - Closing Date: 1 October 2021.
- (c) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for Development of 14 No. Housing Units (Phase 5) and all associated siteworks at Ard Bhearna, Gortamullin, Kenmare, Co. Kerry – Closing Date: 13 October 2021.
- (d) On the PROPOSAL of Cllr. Breandán Fitzgerald, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for Retender for Engineering & Environmental Consultancy Services – Kenmare Flood Relief Scheme – Closing Date: 19 November 2021.
- (e) On the PROPOSAL of Cathaoirleach Jimmy Moloney, SECONDED by Cllr. Michael O'Shea, it was agreed to approve the opening of tenders for Consultant Led Design Team Services for the Development of 9 No. Housing Units and associated Siteworks at Marian Park, Ballyheigue, Co. Kerry – Closing Date: 14 October 2021.
- (f) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Michael O'Shea, it was agreed to approve the opening of tenders for Columbarium Wall and Ancillary Works, Rathass Burial Ground, Tralee, Co. Kerry – Closing Date: 15 October 2021.

## **20.9.2021.14 Notices of Motion**

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

### **2. Safety Improvement Works at Poulgorm Bridge Junction**

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

That Kerry County Council and the TII would come up with a new design for Poulgorm Bridge at the junction for Kilgarvan in light of numerous accidents to date. Recent improvements have helped but it is obvious that it needs traffic calming lights and a reduced speed limit like Ballykelly Junction, Glenflesk and places like Lissarda

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

Safety Improvement works to improve sight distance at the N22/R569 junction were completed earlier this year. Kerry County Council will consult with the Garda Traffic Corps in relation to this section of the N22 and will continue to monitor the junction in consultation with Transport Infrastructure Ireland and will examine any verified collision data or information when available which will be input into their safety analysis programme.

Cllr. Johnny Healy-Rae said several accidents have occurred at this junction. While appreciating that the sight lines have been improved, he called for traffic calming measures similar to those at the junction at Ballyseedy, Tralee. As much viewing time as possible must be provided at the Poulgorm Bridge junction. He sought a commitment that this would be included in the Safety Programme.

Cllr. Maura Healy-Rae SECONDED this motion and said there are issues particularly in relation to motorists travelling from the Cork side of the junction; the viewing distance must be extended.

The Chief Executive said this matter will be discussed with Transport Infrastructure Ireland.

Cathaoirleach Jimmy Moloney said it would be timely to have a meeting with Transport Infrastructure Ireland.

Cllr. Johnny Healy-Rae supported this.

### **4. Posting of Payslips to Public Sector Teachers**

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

That this Council would contact the Minister for Public Expenditure and Reform and call on him to end the practice of posting out a physical pay slip to each public sector teacher on pay day. This can easily be done electronically via email and the current practice is a colossal waste of money, not to mention the environmental impact of posting out such huge swathes of paper each week. Physical posting of such items should be done on an 'opt in' basis where receiving your payslip through electronic means is the norm and people have to specifically request their payslip to be posted out to them.

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

Cllr. John O'Donoghue said teachers should 'opt in' to receiving their payslip by post. The current system is a waste of time and money.

Cathaoirleach Jimmy Moloney SECONDED this motion.

## **5. Support for Essential Workers in the Education Sector**

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

That we as a Council show our full support for those essential workers in the Education sector, School Secretaries and Caretakers and write to Minister McGrath stating that we believe they should be properly paid for the work they do and are afforded the job security they need.

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

Cllr. Norma Moriarty asked that her notice of motion be amended to congratulate Minister McGrath on making strides in this area and improving the lot of these essential workers and providing a pension.

Cllr. Fionnán Fitzgerald SECONDED this motion.

## **6. Marketing Campaign for the Kerry Greenways**

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

What date will the marketing campaign for the Kerry Greenways be launched.

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

Following a competitive tendering process, the Community and Tourism Department has appointed Zinc to support the Branding and Marketing of the North Kerry Greenway. The agency began the first stage of the Marketing process on 23<sup>rd</sup> August 2021 with the scoping, research and consultation phase. As part of the consultation phase, site visits were arranged between the consultants and the Tralee and Listowel Municipal District members on 3<sup>rd</sup> September 2021.

Cllr. Mikey Sheehy welcomed this update and said the North Kerry Greenway will be a huge boost for the county.

Cathaoirleach Jimmy Moloney SECONDED this motion.

## **7. Taking in Charge of Roads on the Local Improvement Scheme**

### **Cllr. Michael Foley moved Notice of Motion No. 7 on behalf of Cllr. Mike Kennelly.**

#### **Pursuant to notice duly given Cllr. Mike Kennelly PROPOSED:**

I call on Kerry County Council to take in charge every road that is on the new Local Improvement Scheme in Kerry.

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

Kerry County Council has responsibility for the maintenance and upkeep of approximately 4,500km of non-national public roads in the county and it is not the policy of this Council to take private roads in charge, save for instances where roads in housing estates are taken in charge as part of the taking in charge process for such estates.

It should also be noted that some roads on the Local Improvement Scheme list would not be suitable as public roads due to the presence of gates, accessing private property only etc. while other applicants have stated that they wish for their roads to remain private.

As part of the statutory process of declaring a road to be a public road, the Council is obliged to have regard to its available budgets for the maintenance and upkeep of these roads. Given the extent of the existing public road network in the county and the limited budgets available for the maintenance and upkeep of these roads, the Council would not be in a position to state that the taking in charge of roads on this scale would not have an adverse impact on available budgets.

## **8. Blue Flag in Ballybunion North Beach**

**Cllr. Marie Moloney moved Notice of Motion No. 8 on behalf of Cllr. Robert Beasley. Pursuant to notice duly given Cllr. Robert Beasley PROPOSED:**

What is the situation in relation to the restoration of the Blue Flag in Ballybunion North Beach?

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

As previously outlined to members, additional inspections were carried out by Kerry County Council staff earlier this year in an effort to identify possible water quality issues in the catchment area, particularly in relation to potential land-based sources. In addition, in partnership with University College Dublin, we are arranging to carry out additional specialist water quality assessments very shortly in an effort to accurately identify the origin of any contamination identified. A thorough review of this data, along with that obtained from a previous monitoring exercise, will then be undertaken.

Assessments were also carried out on the pumping stations and storm water overflows on the Ballybunion Network adjacent to the North and South Beaches. Repairs were also recently carried out on a section of sewer which appeared to have been damaged by private works.

As members are probably aware, bathing water prior-warnings were issued on a number of occasions during the summer at Ballybunion and other beaches in the County. The primary purpose of these is to provide advance warning to the public of any bathing water quality issues potentially arising due to adverse weather conditions. However, they also allow possible replacement of poor sample data as part of the EPA's bathing water quality assessment process.

## **9. Meeting with Bus Éireann and Irish Rail**

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

That we as members of Kerry County Council request officials from Bus Eireann and Irish Rail to come before a Full Meeting of this Council before the end of 2021.

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

Cllr. Jackie Healy-Rae said these meetings are requested in the context of Government Climate Action and Transport policies to be implemented over the next number of years, routes operating to and within Kerry, and the cost of public transport for commuters.

Cllr. Fionnán Fitzgerald **SECONDED** this motion.

## **10. Community Nursing Unit for Killarney**

**Pursuant to notice duly given Cllr. Marie Moloney PROPOSED:**

Given that our local Minister and the HSE announced a new Community Nursing Unit for Killarney and that no details were given, I would ask Kerry County Council to seek clarification on the following:

- (a) When will this Development commence
- (b) What is the cost of this project and is funding available
- (c) What is the HSE's proposal for the existing Community Hospital in Killarney

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

Cllr. Marie Moloney said the HSE has not provided details or a start date for this project. The HSE must also provide details of plans for the St. Finan's Hospital building.

Cllr. Maura Healy-Rae **SECONDED** this motion.

## **11. Local Improvement Schemes 2021**

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

I would like to ask Kerry County Council how many extra LIS schemes have they applied for under the increased round of Government funding and indicate how many they can complete by the end of 2021.

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

In July 2021, The Department of Rural and Community Development requested all local authorities to indicate how many additional LIS schemes they could reasonably complete, with grants claimed and fully drawn down, by Mid-October 2021. In response, Kerry County Council stated that it could complete a further 21 schemes within that timeframe and this would require an additional grant allocation of €898,107.

In addition, the Department asked each Local Authority to confirm the total number of LIS applications on hand and the total value of these schemes. Kerry County Council confirmed that there were a total of 734 roads remaining on the priority list with a combined value in excess of €50 million.

Kerry County Council subsequently received an additional LIS grant allocation of €497,169 from the Department which will enable a further 12 schemes to be completed, bringing the total number of schemes to be completed this year to 21.

Cllr. Charlie Farrelly said it is disappointing that only 21 Local Improvement Schemes will be completed in 2021 and that Kerry County Council did not submit a request for funding for more than 12 schemes.

Cllr. Niall Kelleher **SECONDED** this motion.

Cllr. Charlie Farrelly moved Notice of Motion No. 30.

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

I am requesting an up to date list of LIS schemes for all Municipal Districts by October 1<sup>st</sup> 2021.

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

A priority List of Local Improvement Scheme was compiled and notified to members in February 2020. This priority list was compiled on a countywide basis having regard to regulatory requirements together with the requirements set down by the Department of Rural and Community Development.

There has been no change to the Priority List since February 2020 and schemes will continue to be drawn from this list, in order of priority, as available funding allows.

Cllr. Charlie Farrelly noted the reply and asked that the priority list be circulated again to Elected Members and that an update be provided on the priority list.

Cllr. Niall Kelleher **SECONDED** this motion. He said the Department has indicated that each Local Authority received the funding they applied for. He asked how much additional funding Kerry County Council requested under the additional funding available for the Local Improvement Scheme 2021.

Mr. C. O'Sullivan, Director of Services, said following an indication from the Department of increased Local Improvement Scheme allocation for 2021, Kerry County Council made a submission for applications with a value of €891,000. An allocation of €491,000 was received.

Cllr. Niall Kelleher asked that a letter issue to the Minister for Rural & Community Development to seek clarification as to why funding was not allocated for the total number of applications submitted by Kerry County Council.

Cllr. Charlie Farrelly supported this request.

## **12. Funding to enhance Kenmare**

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

That Kerry County Council applies for significant funding from the Department of Rural Affairs to improve and enhance Kenmare.

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

The Department of Rural and Community Development has several different funds available to support the sustainable development of rural towns such as Kenmare. These funds include the Rural Regeneration and Development Fund (RRDF), the Town and Village Renewal Scheme (TVR) and the Outdoor Recreation Infrastructure Scheme (ORIS).

The RRDF is the largest of the funds available. The twin focus in terms of the current priorities of the fund relate to buildings and in particular, proposals that would address dereliction and ensure the re-use of heritage and other existing buildings, and proposals providing the necessary facilities and infrastructure in settlements, in terms of remote working, connectivity, town centre residency, economic and enterprise development etc. The Council intends on working with stakeholders in Kenmare to develop a project that would address the current priorities of the fund or alternatively other rural grants. In this regard, the Council has submitted an application for funding last July under the ORIS for development of an element of the Peninsula Lands Scheme. The first phase of this proposed development that has been applied for will comprise a looped eco - walkway to the west of the current entrance. The acquisition of the Peninsula Lands was of itself a significant investment by the Council in the town.

The projects that are developed for all of our towns and villages in the County seek to address the specific infrastructural and sustainable development requirements of those settlements. Significant funds can be made available by other Government Departments and State Agencies. In this regard, the Kenmare Water Treatment Plant was commissioned in 2018, having been constructed at a cost of €4.5m. The Kenmare Wastewater Treatment Plant Upgrade is currently at the detailed design stage. Irish Water is working with its designers to finalise the detailed design with a view to submission of a Planning application and Environmental Impact Assessment Report later this year. Subject to receipt of the necessary approvals, Irish Water will progress construction procurement. The current anticipated construction completion date is Quarter 3 of 2024.

Additionally, the Council, has recently completed a Transport Infrastructure Ireland (TII) funded €2.8m pavement and safety improvement scheme on the N71 Molls Gap road that has also provided a pedestrian link to a residential area of the town.

Cllr. Patrick Connor-Scarteen acknowledged that Kenmare has had many improvements in recent years, however, much more is needed, e.g. Phase 2 of the Inner Relief Road, more social housing units, extra water reserves/capacity and flood relief defences. Kenmare is at a standstill at present. He called for Kerry County Council to submit an application for funding to improve infrastructure and provide a digital hub in Kenmare.

Cllr. Aoife Thornton **SECONDED** this motion.

### **13. Record of Vacant Properties in Kerry**

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

To ask Kerry County Council what is the up to date position on the Council compiling a record of vacant properties in the County.

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

Kerry County Council is conducting a survey of vacant homes in Kerry for all Tier 1, 2 and 3 towns and villages. The public can also identify vacant homes on the vacant homes website. This involves a visual survey. Locational data is recorded by Municipal area, town/village and geo points.

To date, a survey has been carried out in Tralee, Dingle, Listowel, Killorglin and Killarney. A survey is currently being conducted for the outstanding tier 2 towns - Cahersiveen, Castleisland and Kenmare. A survey of Tier 3 towns - Abbeydorney, Ardfert, Ballybunion, Ballyheigue, Ballylongford, Barraduff, Castlegregory, Castlemaine, Farranfore, Firies, Kilcummin, Milltown, Rathmore, Sneem, Tarbert and Waterville will commence in October 2021.

The new Housing for All Government Plan also includes actions in this area which are being assessed.

Cllr. Michael Foley said he is continually raising the issue of vacant properties in towns and villages which would take very little to bring them back into use for family homes and the need to provide incentives to both the owners to make them available and for potential purchasers. He welcomed that in the new housing plan "Housing for All" a grant will be available for 20% of the cost of the refurbishment to bring vacant properties back into use. Under "Housing for All" the Council must have a report made available to the Department by December on the housing need for the County. It is vital that a vacant property list is compiled because these properties can easily contribute to our housing need and at the same time revitalise our towns and villages.

Cllr. Johnnie Wall **SECONDED** this motion.

Cllr. Jackie Healy-Rae asked if a timeframe is available for the survey in Castleisland.

Mr. M. O'Donoghue, Director of Services, said quite a number of towns remain to be surveyed and it will be dependent on resources.

### **14. Criteria for Eligibility for Housing**

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

I propose that Kerry County Council call on the Minister for Housing Darragh O'Brien, to amend the criteria for eligibility for housing.

As it stands, income from the previous 12 months are considered when determining qualification for housing and supports. This is an unfair system that precludes constituents who find themselves out of work or unable to work from applying for housing and support for a number of months minimum.

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

Cllr. Deirdre Ferris said people find themselves precluded and minimum support is provided through social welfare and rent supplement.

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

## **16. Housing Targets under Housing For All Plan**

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

How many Social & Affordable Homes will be provided or envisaged for each Municipal District of Kerry County Council under the Government's Housing For All Plan.

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

The Housing for All Plan was launched in early September. The targets for Kerry County Council have not yet been notified for Kerry County Council.

Under the Plan the Council is required to prepare no later than December 2021 a Housing Delivery Action Plan. This will follow a structure based on a Department template which we are due to receive in the coming weeks.

The Plan and Targets therein will in due course be considered in the first instance by the SPC and then by Full Council

Cllr. Breandán Fitzgerald said this matter is a priority for every Elected Member. A huge number of people are under Notice to Quit and housing for single people on the housing waiting list must be addressed.

Cllr. Michael O'Shea SECONDED this motion.

## **17. School Traffic Wardens**

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

How many School Traffic Wardens have been employed by Kerry County Council over the last 10 years and what schools in the County have Traffic Wardens.

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

There are currently 15 School Wardens employed by Kerry County Council operating at Annascaul NS, Lispole NS, Bunscoil na Bráithre Críostaí NS, Lissyviggeen NS, Holy Family Rathmore NS, Barraduff NS, Holy Cross Mercy NS New Road Killarney, Holy Cross Mercy NS Rock Road Killarney, St. Oliver's NS Park Road Killarney, St. Oliver's NS, Ballycasheen, Killarney, Presentation NS Castle Street, Tralee, Moyderwell NS Tralee, Holy Family NS, Balloonagh Tralee, CBS Primary, Tralee and Ardfert NS

In addition, since 2018, road safety and traffic calming measures at schools have been funded through the Clár Programme (Measure 1). A total of 12 school projects have received a combined total of €311,000 in funding under Measure 1.

Cllr. Niall Kelleher said the reply does not answer the question regarding where School Traffic Wardens were employed and are no longer employed and asked that this information be provided. There was an attempt to eliminate the need for a Traffic Warden in two of the schools listed. Both schools received CLÁR funding, but safety measures were not sufficient to remove the Traffic Warden. Gneeveguilla National School needs a Traffic Warden as does Barraduff National School. He asked that these schools be re-assessed regarding need for a Traffic Warden.

Cllr. Jackie Healy-Rae SECONDED this motion.

The Chief Executive said there is a limited budget which is allocated for the employment of Traffic Wardens.

Mr. C. O'Sullivan, Director of Services, said the reply sets out the number of Traffic Wardens that are employed. A review of records will have to be undertaken to set out the position over previous years and Cllr. Kelleher will be advised on that. Kerry

County Council must work within the budget made available within the service. The cost of the service is €209,000. A long term financial provision would be required to provide additional services. Safety measures have been put in place, e.g. speed ramps, pedestrian crossings, etc.

Cllr. Niall Kelleher suggested that a solution would be that a number of Traffic Wardens would be able to go to different schools at different times.

Cllr. Charlie Farrelly said staff from within the Roads Department work as Traffic Wardens at Ballyduff and Lissyvigeen schools and suggested this could be done at Gneeveguilla National School.

## **18. Support for Voluntary Community Based Groups**

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

That Kerry County Council engage with all voluntary community based groups, especially those who represent and work with elderly people who ceased to meet and function throughout the pandemic with a view to supporting them to re-start and re-engage with their communities. Many groups have lost members through illness and unfortunately death etc over the last year and a half and now it is a huge and fearful challenge for them to come to terms with loss, change, smaller numbers, etc., and to begin again to connect with the communities they represent. Unless a support is given many groups may not ever meet again.

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

Kerry County Council engages specifically with groups who represent and work with older people through the Public Participation Network and through the Age Friendly Programme. The Age Friendly Coordinator works and supports the Older People's Council who represent older people in the County. To date Kerry County Council have been very mindful of the risks posed to older People during the Covid 19 Pandemic. As part of the recovery and rebuilding of our communities the Council will continue to support the Older Peoples Council to encourage individuals and groups to reconnect in a safe manner. Funding is available under the annual Community Support Fund for all voluntary and community based groups, including the elderly, to avail of. It is expected that the Community Support Fund for 2022 should be advertised towards the end of the year.

Cllr. Fionnán Fitzgerald said a number of Active Retirement Groups have said elderly groups are afraid to start meeting again and changes during the pandemic have overcome the group. The sense of grief and loss within the group is enormous. While appreciating the reply, he asked if Kerry County Council could ask the specific question of Active Retirement Groups as to whether they will continue to meet. It would be difficult for these groups to re-engage if their meetings stop.

Cllr. Charlie Farrelly **SECONDED** this motion.

## **19. Rights of Way**

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

In light of the deadline for the establishments of 'Rights of Ways' and the registering of same, it would be important for Kerry County Council to write to the relevant authorities to run an advertising campaign on the deadline for this.

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

This is a matter for resolution by the members.

The relevant authority for mapping and registering private rights of way is the Property Registration Authority of Ireland.

Cllr. Dan McCarthy said private rights of way have to be registered by 30 November 2021. After that date it may prove more difficult to register a right of way. An advertising campaign is required to ensure rights of way are registered.

Cllr. Fionnán Fitzgerald SECONDED this motion.

## **20. Attendance of Irish Water at Council Meetings**

### **Pursuant to notice duly given Cllr. Niall O'Callaghan PROPOSED:**

I call upon Irish Water to establish a regular attendance at and update to this Council as the democratically elected representatives of the people of Kerry and that we would therefore see a greater level of accountability to the general public from Irish Water.

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

Cllr. Niall O'Callaghan said he would expect that a representative from Irish Water would physically attend meetings going forward, not attend online. He added that his confidence in Irish Water is at an all-time low.

Cllr. Jackie Healy-Rae SECONDED this motion and said more than an hour is required when an Irish Water representative attends a Council meeting as all Elected Members have many questions.

Cathaoirleach Jimmy Moloney said a full morning will be allocated to Irish Water when they next attend a Council meeting.

## **21. Roll Out of the National Broadband Plan**

### **Pursuant to notice duly given Cllr. Aoife Thornton PROPOSED:**

Can anything be done by Kerry County Council to assist the faster roll out of the National Broadband Plan for the towns of Kerry.

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

Kerry County Council has advocated to central government for an accelerated roll-out of the National Broadband Plan. In our engagement with the Department of Communications (now DECC) and the Department of Rural & Community Development we have asked the contract managers of DECC to work with NBI towards an accelerated deployment programme.

Kerry County Council welcomes the imminent service provision in the Tralee and Killarney Deployment Areas by NBI which will provide fibre broadband to thousands of properties currently without a high speed service. Our Broadband officer, MD engineers and Planning officers have been working with NBI to ensure that enabling infrastructure licensing (Section 251 licenses) and Road Opening permits are being advanced in a timely manner.

Kerry County Council welcomes announcement by Eir in April 2021 of the extension of its Gigabit Fibre Network to three Kerry Towns;

- Ballybunion
- Cahersiveen
- Castleisland

The Council has also engaged with other technology and services providers, including participation in a Satellite Broadband pilot, to assess if there are solutions which may act as a long-term connectivity solution or an interim solution for businesses and household who can't wait for NBI fibre to be rolled-out. That assessment is still underway but feedback to date is that this technology can provide a genuine high speed and reliable service, anywhere in the County.

Cllr. Aoife Thornton acknowledged the assistance from Kerry County Council's Broadband Officer. She welcomed the response and efforts made by Kerry County Council, however, more is required if possible. There are numerous complaints regarding the Eir service in Listowel. With the return of the workforce to offices, employers are only getting speeds of 30Mbps and need 100Mbps to operate systems from the cloud. While there is a National Broadband Plan, works to get speeds of 100Mbps into the area must be identified. A direct contact line to service providers is required for elected representatives to follow up on issues. She asked how these issues can be moved forward.

Cllr. Johnnie Wall **SECONDED** this motion.

Mr. B. Looney, Broadband Officer, said the best way to address this is to hold a forum with the telecoms providers with a specific focus on Listowel. He undertook to work with the Elected Members on this.

## **22. Provision of 2-Bedroom Housing**

### **Pursuant to notice duly given Cllr. Donal Grady PROPOSED:**

That Kerry County Council urgently build 2 bedroom housing instead of 1 bedroom housing.

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

The determination of a person's housing need is carried out in accordance with Section 24 of the Social Housing Assessment Regulations 2011.

Under the statutory provisions the Council is obliged to determine the actual need of the applicant by having regard to their actual need and seek solutions to Housing need on that basis. Where a sole applicant has provided the necessary documentation to support a need for a 2- bedroom property rather than a one bedroom property, the Council facilitates same.

Therefore, it is not possible under the current Regulations to automatically determine everyone who has been assessed as having a one bedroom need as automatically having a two bedroom need.

In addition and from a practical consideration and notwithstanding the shortage of 1 Bed availability such a move even if allowed would prevent us from allocating any 1 Bed and would negate any sourcing of such properties or building of same. It also would provide practical difficulties in operating schemes such as HAP.

Members may also be aware that many national initiatives in the area of Homelessness including the primary national response Housing First are operated and predicated on the provision of 1 Bed interventions only.

For these reasons the amalgamation of lists as suggested is not allowable nor desirable.

Cllr. Donal Grady asked that his notice of motion be amended to remove "instead of 1 bedroom housing". Kerry County Council is no longer building 1-bed homes which is a great thing and more 2-beds must be built. 2-bed properties allow a carer to stay with a tenant and it is also important with family breakdowns. It is critical that 2-bed properties are built at all times.

Cllr. Johnnie Wall **SECONDED** this motion.

Cllr. Marie Moloney said Approved Housing Bodies should be requested to provide 2-bed apartments instead of 1-beds.

Cllr. Jackie Healy-Rae opposed this motion. He said Kerry County Council should not be debarring itself from building, securing or procuring 1-bed units. Applicants on the 1-bed list are older people. Kerry County Council should be building community settings like Taobh Linn in Kenmare. Many applicants on the waiting list would accept a 1-bed. When Kerry County Council can acquire a 1-bed it should do so.

### **23. Annagh Banks Housing Estate, Castlemaine**

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

To ask the Director of the Housing Department to seriously consider taking ownership of the now derelict Annagh Banks Housing Estate in Castlemaine as this would be a perfect development for social housing under the recently announced "Housing For All" Plan by the Government.

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

Kerry County Council has recently given its support to Tuath Housing Association for the acquisition of these housing units. This initial support is based on established Housing need only and is subject to formal application to and approval by the Department of Housing. Negotiations are currently ongoing between the owners and Tuath Housing Association with regard to same.

Cllr. Michael O'Shea said he hopes the negotiations will be productive. This is a derelict site, for nearly twenty years, on the edge of the Dingle Peninsula. There are many young families in the area awaiting housing. He asked how advanced negotiations are and if the houses be available for occupation in 2022.

Cathaoirleach Jimmy Moloney **SECONDED** this motion.

Mr. M. O'Donoghue, Director of Services, said the Approved Housing Body consults with Kerry County Council regarding the housing need in a particular area. No formal application will be made until negotiations are finalised. Negotiations are ongoing and Kerry County Council is not party to those negotiations. The Approved Housing Body is keen to acquire these properties.

### **24. Planning for Rural Housing**

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

That we the members ensure that the provision for family members to get preference for planning permission on their own land and for local people from the area continues in the new County Development Plan.

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

The review of the current County Development Plan has commenced. Policy in respect of rural housing will be drafted taking cognisance of the National Planning Framework and in particular National Policy Objective 19, the Regional Spatial and Economic Strategy for the Southern Region and the current Ministerial guidelines Sustainable Rural Housing Guidelines 2005 issued by the Minister and any revised successive guidelines. The draft plan including any areas to be designated for the purposes of any policy in the plan will be brought to Full Council for consideration shortly.

Cllr. Maura Healy-Rae said it is a fundamental and basic right for any individual to build on land on which they were born and reared. The intention of this policy is to prevent anyone from the town or not local to build. It is too restrictive, especially for locals who do not have land themselves or land from an immediate family member.

People are being driven into the towns and in many cases cannot afford the property prices. They could also be competing with the local authority for the purchase of a house in the town. Another restrictive stipulation is that there can be no further access on to national primary/secondary routes or use of an existing entrance. There is a discrepancy with that rule as there is a reprieve from this rule on the Killarney-Killorglin road. While the reprieve is welcome for this area, this should apply on all routes. There are many issues surrounding planning.

Cllr. Johnny Healy-Rae **SECONDED** this motion.

## **25. Adare Bypass**

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

Although happening in another jurisdiction, that Kerry County Council call on An Bord Pleanála to issue a decision at the earliest possible date and impress upon Transport Infrastructure Ireland the need to complete the Adare Bypass as soon as is possible. This is a major transport artery in and out of our County and its constant blockage poses extreme difficulties for many businesses and commuters in Kerry. The continuous delays in Adare are having a negative impact on our economy, is preventing job creation and is prohibiting some companies from setting up in Kerry and is also having a negative impact on our Tourism industry. We are delighted to see progress on the Macroom Bypass and the sooner both are in place, the better for all business concerns in our County.

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

This is matter for resolution by the members.

An update on this scheme has been provided by the Midwest National Road Design Office who advise that the Statutory Orders for the scheme were published in December 2020 and submitted to An Bord Pleanála for approval. The Board held an Oral Hearing into these matters in February 2021 and a decision of the Board is awaited, with a current decision date of 4<sup>th</sup> October 2021 displayed on the Board's website, although this may be subject to change.

Cllr. Michael Cahill said unbelievable delays are being experienced by motorists travelling to Dublin via Adare. Delays on this route is the single biggest complaint from tourists travelling on this road to Kerry. It is also prohibiting new businesses setting up in Kerry.

Cllr. Charlie Farrelly **SECONDED** this motion.

## **26. Ecological Status of Rivers**

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

That the Council would provide an update on how many of the major waterways in the County, and in particular the Rivers Flesk, Blackwater and Laune have been granted a status of at least "good" ecological status under the Water Framework Directive (WFD).

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

Every three years biological assessment of rivers nationally is carried out by the Environmental Protection Agency. The results of this 3 year assessment are critical to deeming status of rivers and waterbodies. In the case of Kerry 75 rivers involving 175 river stations are monitored. The Water Framework Directive classification scheme for surface water ecological status includes five categories: high, good, moderate, poor and bad.

Of the 75 rivers monitored, 47 are at good status or above and 28 are at less than good status. The Munster Blackwater which rises in Kerry is of currently of “good” status. The Flesk is of “good” status and the Laune is also currently of “good” status as all three stations are good.

A more detailed report will be available shortly which will assess change in status of Kerry rivers over last forty years. Once available we will bring this report to the attention of the members and the SPC members.

Cllr. John O’Donoghue said welcomed that 47 rivers are at good status or above and that a detailed report will be available shortly. This will allow identification of any problems to be resolved.

Cathaoirleach Jimmy Moloney SECONDED this motion.

## **27. Road Safety at Junctions**

**Cllr. Michael Foley moved Notice of Motion No. 27 on behalf of Cllr. Mike Kennelly. Pursuant to notice duly given Cllr. Mike Kennelly PROPOSED:**

That Kerry County Council immediately investigate and survey the safety of road users at national road junctions which have a history of accidents.

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

The operation of national road junctions are included in Transport Infrastructure Ireland’s HD 15 Road Network Safety Analysis Programme. The HD 15 programme uses collision data and traffic volumes to assess the safety of priority junctions on national roads and to identify high collision locations on the national road network. The outputs from this collision analysis then informs the TII annual grant allocations for road safety remedial measures.

## **28. Fat/Grease Traps in Housing Stock**

**Pursuant to notice duly given Cllr. Marie Moloney PROPOSED:**

Can Kerry County Council confirm that all our Housing Stock has been fitted with Fat/Grease Traps.

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

A domestic residential dwelling is not required by law or regulation to install a grease trap. A residential dwelling is not considered to produce FOGs (Fats, Oils and Greases) to such an extent as to be detrimental to the sewage system be it public or private. Kerry County Council currently do not install grease traps in all newly constructed dwellings requiring a connection to the public sewer. Kerry County Council do not generally install grease traps during dwelling renovations except for some circumstances whereby a newly designed treatment facility is designed and installed, and a grease trap is recommended for the efficient operation of same.

Cllr. Marie Moloney expressed disappointment with the reply and said this is a major problem for a lot of houses around the county. Kerry County Council should fit fat/grease traps as houses are being built. It would save a lot of drains from being blocked.

Cllr. Maura Healy-Rae SECONDED this motion.

Mr. M. O’Donoghue, Director of Services, said Local Authority houses are designed to national specification and subject to guidance and funding. He undertook to follow this up with the Department to determine if fitting of fat/grease traps would be allowed. For newly built houses details design is subject to national design and Department sanction regarding the scope of the works.

## **29. Kerry County Council's Online Mapping System**

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

How many planning applications have been presented, granted or refused that have not been included on the Kerry County Council Online Mapping System.

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

In early September it was brought to the attention of the Council that a planning application was not visible on the Kerry County Council website. When this was confirmed a detailed review was initiated including a manual check of 500 planning applications preceding and subsequent to the date of lodgement of the application in question. This concluded that only one application was not included on the external Kerry County Council online Mapping System.

While the Council are satisfied that in respect of the application in question a site notice was on site, an advert was in a local newspaper, the application was available for inspection in the offices of the Council and visible on the Councils internal web portal, it was not available externally online. This was due to an IT technical fault.

Following this review, new procedures have been instituted including a manual external check to ensure that all applications lodged and placed on the Councils Planning GIS are available for viewing externally by members of the public.

In addition, the Council are in the process of procuring a new Planning GIS system to replace the current system to enable it to manage the recent significant increase in planning applications, to prepare for e-planning and the increasing demand for remote access.

Cllr. Mikey Sheehy said over the last twelve months it has been very beneficial to have planning applications online externally so the public can view applications in their vicinity. The planning process is an independent process and there is a right to question. Planning is also a contentious issue. There was a planning permission granted by Kerry County Council that was available in Kerry County Council, but it was not available on the external online system. He said he fails to understand the technical fault involved and why it affected only one application. He asked if there are further I.T. system issues within Kerry County Council. Assurances are required that this will not happen again. He noted that this matter is under review and a new GIS system will be available. He asked if this was a once off occurrence. Planning affects everyone and it affects localities.

Cllr. Fionnán Fitzgerald **SECONDED** this motion.

Mr. M. Scannell, Director of Services, said a manual check is now being done from an external source to ensure all applications are available online externally and if an application is not available that it can be addressed at an early stage.

## **31. Tralee Courthouse**

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

That Kerry County Council please give an update in relation to Tralee Court House.

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

The Court Services have indicated that the existing courthouse is no longer fit for purpose to provide facilities for the increasing range of functions that are now provided by the service and the associated accommodation that is needed for such services is not and cannot be made available at the current facility. The Court Services have been in ongoing discussions with Kerry County Council in relation to the future provision of Court Services in Tralee. The Court Services have engaged with the Kerry County

Council in relation to the possibility of relocating the service within the town centre on part of the Island of Geese site. Preliminary examination by the design team from the Court Services has indicated that a section of the Island of Geese site could accommodate a new court facility.

The future use of the existing Court House is an important consideration in any arrangement that Kerry County Council may approve in relation to providing a site for a new court facility. In order to establish the current condition of the existing courthouse Kerry County Council arranged for a condition survey of the building to be undertaken and this has recently been concluded. It is planned to meet with the Court Services in the coming weeks to further consider the matter and when and if a definitive proposal is developed this will be brought to Council for consideration.

### **32. Septic Tank Inspections**

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

To ask Kerry County Council for the following information around septic tank inspections which were carried out since 2013, on a yearly basis: How many inspections were carried out, the failure rate and how much funding was drawn down and spent from Central Government Funds.

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

The table below provides the information requested

<b>Year</b>	<b>Total Inspections</b>	<b>Non Compliant</b>	<b>Grant Funding and No. of Cases</b>
2013	5	3 (60%)	NIL
2014	81	47 (58%)	€5,529 (2)
2015	68	29 (43%)	€15,830 (5)
2016	68	31 (46%)	€14,124 (4)
2017	68	36 (53%)	€3,368 (2)
2018	53	27 (51%)	€3,158 (3)
2019	52	34 (65%)	€22,119 (7)
2020	1 (impact of Covid 19)	1 (100%)	€23,861 (6)
2021 (to date)	26	15 (58%)	€14,000 (3)

Cllr. Michael Foley said the reason he asked this question is to make people aware of the grant system that is available to those living within the High Status Objective Catchment Areas as part of the Water Framework Directive. Areas most eligible for a grant are in the southern part of the county.

The grant available is to repair, upgrade or replace one's wastewater treatment system. One can apply for funding for 85% of the cost of the repairs to existing system or a new system, up to a maximum of €5,000.

Unfortunately to qualify for the grants one had to have their treatment system registered by 1 February 2013. Also, it is required that all domestic wastewater treatment systems, including septic tanks are registered. One can register their system on [protectourwater.ie](http://protectourwater.ie). Non-compliance could result in a substantial fine; people may not be aware of this.

He suggested that to improve our rivers, lake and water systems this grant scheme should be made available to everyone who registered their system before

and after February 2013. Also, an opportunity should be given to those who are not aware of the registration. If we are serious about improving our water ways the grant should be made available to those outside the grant eligible High Status Objective Catchment Areas to include the whole County.

He said looking at the figures provided there was very little take up of the grant. So one could conclude either people did not draw down a grant or more than likely their system was not registered in time. He said this gives credence to his suggestion to at least extend the grant to everyone who has registered their treatment system.

Cllr. Michael Cahill SECONDED this motion.

### **33. Freagraí as Gaeilge/Replies As Gaeilge**

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

Go dtógfaidh an Comhairle seo freagraí as Gaeilge do gach duine a dhéanann iarratas nó ceist i nGaeilge, go mórmhór i gcúrsaí Pleanála.

That this Council will give replies As Gaeilge to everyone who makes an application or a query in Irish, especially in Planning matters.

#### **Eisíodh an freagra seo a leanas/The following reply issued:**

Thug Comhairle Contae Chiarraí gealltanais ina Scéim Gaeilge cinntiú go bhfreagrófar gach comhfhreagras a fhaighimid as Ghaeilge, tré Ghaeilge. Tá socruithe déanta freisin seirbhís as Ghaeilge a chur ar fail, nuair a iarrann custaiméir é.

Kerry County Council has committed in its Scéim Gaeilge to ensure that all correspondence as Gaeilge is responded to as Gaeilge. Arrangements are in place also for a service as Gaeilge to be provided where requested by a customer.

Cllr. Deirdre Ferris said she is aware of a constituent who did not get their response as Gaeilge. The Gaeltacht is an important micro economy, increasing and enhancing the culture and heritage in this country. She asked when applications and queries/communications will be responded to as Gaeilge.

Cllr. Breandán Fitzgerald SECONDED this motion.

Dúirt an Príomhfheidhmeannach go raibh dúlgas ar Comhairle Contae Chiarraí seirbhís a thabairt as Gaeilge. Scrúdóidh an Stiurthóir an t-ábhar seo. Tá baill foirne ainmnithe i gach rannóg, chun déileáil le iarratais i nGaeilge.

The Chief Executive said Kerry County Council has to provide a service as Gaeilge. The Director of Services will examine this matter. Persons are nominated in each section to deal with applications as Gaeilge.

### **35. RAS Scheme**

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

That the Council would look with urgency at the RAS Scheme as people who are on the Scheme are no longer considered for available properties even when they get a notice to quit and cannot find another property, what options do these people have.

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

There are currently 702 active RAS tenancies in Kerry. Under Section 19 of the Housing (Miscellaneous Provisions) Act 2009 RAS tenants were deemed to be in receipt of social housing support and can no longer remain on the general housing waiting lists.

The only exception to this were RAS tenancies which had commenced prior to the 1<sup>st</sup> April 2011 and those RAS Tenants remain qualified applicants and accrue time on the social housing waiting lists and are being considered for nomination as part of the normal allocation process.

In relation to RAS tenants who are post the 1st April 2011 it should be noted that they are advised at signing of their contracts that the housing authority will be closing their housing application and sign a form acknowledging same. However, they are also advised that the Council will be assisting in sourcing further accommodation for the household, if their RAS dwelling becomes unavailable through no fault of their own. When a Valid NTQ is received the Housing Department works closely to identify suitable properties through the various Schemes including within our stock to facilitate households at risk of homelessness. We also encourage the RAS tenants themselves to try source alternative suitable accommodation. However, there can be occasions where neither ourselves nor the applicants can source suitable accommodation and unfortunately in those cases the applicants normally work with our Homeless Information Centre/Homeless Staff/HAP Place finder who will work with them and who will provide them with emergency accommodation if necessary.

### **36. 'Quiet Hour' at Public Offices**

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

With the full re-opening of society and the lifting of Covid restrictions, it is important that people who are still wary and worried about visiting crowded places are given every opportunity and encouragement to do so. Can Kerry County Council designate a 'Quiet Hour' at public offices or places to help people with this transition from a closed to an open society again.

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

Given the broad range of services provided by the Council and the statutory deadlines for many services in relation to consultation, etc., it is not possible to designate specific times for attendance at offices.

It is important to note that all our public counters, etc., have been assessed in relation to Health and Safety with a particular emphasis on COVID-19 and strict protocols/arrangements are in place to protect both staff and members of the public/Elected Members when attending at the offices.

Cllr. Breandán Fitzgerald said he accepted the reply that this is not technically possible. Every possible effort should be made for the public to make contact and make an appointment and engage with Kerry County Council. Kerry County Council must make every effort to ease fears people have of coming back into society.

Cllr. Fionnán Fitzgerald SECONDED this motion. Many people have a fear of coming back into society and the encouragement might just have to come from Kerry County Council.

### **37. Road Closures for Road Works**

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

As a Council, we need to put a structure in place where road works can either be done by night or speed up the process or put in place a one way system, e.g. for the road works between Kenmare and Bantry at the tunnels where the road is due to be closed for 10 weeks, from the 10<sup>th</sup> October to the 1<sup>st</sup> December.

**The following reply issued:**

Kerry County Council will always examine ways to minimise the duration of road closures, including night working and weekend working, where feasible.

The proposed road closure on the N71 at Caha Tunnel is required to facilitate repairs and maintenance works to the tunnel including rock stabilisation measures. Due to the nature of the work, which includes vertical drilling and inserting over 300 rock bolts, provision of steel mesh as well as the erection of scaffolding, it is not feasible to re-open the road to traffic during daylight hours or to have a Stop/Go system of traffic control through the works as there would be significant risks to both motorists and workers.

Discussions are continuing with the Contractor at Caha tunnel to explore other efficiencies aimed at accelerating the delivery of the works and reducing the inconvenience to motorists caused by the diversions.

Cllr. Dan McCarthy said a different plan is needed to organise road works. There is a bridge in Kilgarvan that is closed for nearly 18 months. Road works must be done in a shorter length of time. While works must be done, he urged that the works be done as quickly as possible.

Cllr. Jackie Healy-Rae SECONDED this motion.

**38. Essential Medical Equipment**

**Cathaoirleach Jimmy Moloney moved Notice of Motion No. 38 on behalf of Cllr. Norma Moriarty.**

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

That given the inordinately long delays caused by Brexit in delivery of essential medical equipment in the areas of Physiotherapy eg. Crutches, leg braces etc, that we call on the Minister for Health to look for alternatives either through new supply routes or preferably supporting the manufacture of these items here in Ireland.

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

**39. Development Plan for Milltown**

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

To ask the Executive of Kerry County Council to arrange a meeting with all the state stakeholders to address the serious anomalies that are currently facing Milltown due to the increasing population, these are:

- a) to address the acceptance policies currently in place for local children entering the Nagle Rice Secondary School in Milltown
- b) to develop a Primary Care Centre in Milltown to provide medical services
- c) to develop an Industrial Park in Milltown so as to maintain current businesses and entice new businesses looking to expand and wanting to operate from the area (IDA facility)
- d) to address all services required to cater for the ever rising population in Milltown.

**The following reply issued:**

In accordance with the commitments contained in the Rural Development policy document "Our Rural Future" it is envisaged that funding will become available to develop masterplans for towns and Villages which will address the matters as outlined. We expect an announcement on such funding streams in the near future and this interagency meeting can then be progressed.

Cllr. Michael O'Shea said he is calling on Kerry County Council to assist Milltown in terms of its needs. Businesses that previously operated in Milltown have moved to other towns in order to expand. Similarly, a business currently operating in Milltown wishing to expand, may have to leave the town due to lack of infrastructure. He acknowledged that an application for funding has been submitted for a Masterplan for Milltown, however, the concern is it will happen too late. Milltown needs assistance by bringing the main stakeholders together.

Cllr. Breandán Fitzgerald SECONDED this motion.

#### **40. Mobile Demountable Homes**

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

To ask Kerry County Council to adopt a policy for the provision of mobile demountable homes to make them available to rural applicants.

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

Demountable units continue to be occasionally provided in exceptional cases where no other reasonable alternative is available. Of specific relevance is the most recent circular issued by the Department of Housing, Planning, Community and Local Government in November 2016 which advised local authorities that it was Department/Government policy to provide permanent accommodation insofar as possible and that the provision of demountable units should only be on an emergency basis only. The national approach provides that cases must be of a genuine emergency nature and explain these circumstances as broadly being an unanticipated event such as fire damage/storm/flood which would render their current accommodation uninhabitable. A property that falls into disrepair over time due to lack of maintenance is not considered to be an emergency as this can be foreseen and preventative action taken by the owner. In many cases which come to the attention of the Council accommodation conditions have significantly deteriorated over time and many cases are not at the time they become Council Housing applicants in the emergency category.

The Council works with the people involved to assist with the making of Housing applications and indeed in many cases assist and advocate with other agencies in areas such as Social Welfare benefits, etc. In emergency cases which meet the criteria set down the Council may apply for grant funding central Government. Normally unit costs are of the order of €50,000 excluding siting/infrastructural costs which can be significant. In addition, there are planning considerations/ access, water and wastewater considerations which may impact on the provision of such facilities. All cases are dealt with on a case-by-case basis with the primary approach in the case of qualified Social Housing applicants being permanent Housing in accordance with policy.

Cllr. Maura Healy-Rae said the national approach to demountable units must change as it does not allow for the various scenarios people find themselves in. It is known that some people will not move off their lands and the local authority must try and cater for these people. There are many reasons a property can fall into disrepair, e.g. an individual could be suffering from mental health issues. Each case should be based on the individual. A lot of money has been wasted because units have been left on sites to rot. A properly funded programme for Demountable Units must be put in place. Local Authorities dealing with these individuals should be allowed some discretion. It is hoped that the "Housing for All" plan will deal with many of the housing issues that need to be rectified.

Cllr. Michael O'Shea SECONDED this motion and said it is time for alternative housing options to be considered nationally.

## 20.9.2021.15 Correspondence – Conference and Seminars

- (a) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Michael O’Shea, it was agreed to approve the attendance of Cllr. Norma Moriarty and Cllr. Donal Grady at the Housing Agency webinar on the theme ‘Women & Housing Vulnerability’ at 1.00 p.m. on Thursday, 9 September 2021.
- (b) On the PROPOSAL of Cllr. Breandán Fitzgerald, SECONDED by Cllr. Maura Healy-Rae, it was agreed to authorise the attendance of all Elected Members at the AILG online training webinar in conjunction with the Office of the Planning Regulator to be held on 24 September 2021.
- (c) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Michael O’Shea, it was agreed to authorise the attendance of all Elected Members at the AILG 2021 Training Programme Module 1: “Government Decision on the Reform on Remuneration Payable to Local Authority Elected Members and Update on Planning and Development Bill 2021 and other Planning Related Matters” on dates in September and October 2021.
- (d) On the PROPOSAL of Cllr. Charlie Farrelly, SECONDED by Cllr. Maura Healy-Rae, it was agreed to authorise the attendance of Cllr. Michael Cahill, Leas-Cathaoirleach of Kerry County Council, at an event to celebrate Mr. Danny Sullivan being awarded with the Freedom of the City of London in 2019, to be held in London on Sunday, 26 September, 2021.
- (e) On the PROPOSAL of Cathaoirleach Jimmy Moloney, SECONDED by Cllr. Jackie Healy-Rae, it was agreed to authorise the attendance of Cllrs. Breandán Fitzgerald, Robert Beasley, Bobby O’Connell, John Francis Flynn, Mikey Sheehy, Michael O’Shea, Donal Grady, Charlie Farrelly and Michael Cahill at the Celtic Conferences ‘The Fair Deal Scheme’ Conference to be held in The Four Seasons Hotel, Carlingford, Co. Louth from 1-3 October 2021.
- (f) On the PROPOSAL of Cathaoirleach Jimmy Moloney, SECONDED by Cllr. Maura Healy-Rae, it was agreed to authorise the attendance of Cllrs. Bobby O’Connell, Johnnie Wall, Niall O’Callaghan, Maura Healy-Rae and Jackie Healy-Rae at the Celtic Conferences ‘A Practical Guide to Budget 2022’ Conference to be held in O’Donovan’s Hotel, Clonakilty, Co. Cork from 15-17 October 2021.
- (g) On the PROPOSAL of Cathaoirleach Jimmy Moloney, SECONDED by Cllr. Maura Healy-Rae, it was agreed to authorise the attendance of Cllrs. Charlie Farrelly, Mike Kennelly, Brendan Cronin, Patrick Connor-Scarteen, Niall Kelleher and Bobby O’Connell at the Celtic Conferences ‘Housing for All’ Conference to be held in The Four Seasons Hotel, Carlingford, Co. Louth from 29-31 October 2021.
- (h) On the PROPOSAL of Cathaoirleach Jimmy Moloney, SECONDED by Cllr. Donal Grady, it was agreed to authorise the attendance of Cllrs. Fionnán Fitzgerald at the IPB Insurance Members Engagement Forum 2021 to be held online on 8 October 2021.

## 20.9.2021.16 Correspondence General

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

Date	From	Description
14/07/2021	Minister for Housing, Local Government & Heritage	Response to a resolution from Kerry County Council in relation to the Repair and Leasing Scheme.
21/07/2021	Minister for Health	Response to a resolution from Kerry County Council in relation to Parental Alienation.

<b>Date</b>	<b>From</b>	<b>Description</b>
21/07/2021	Minister for Social Protection	Response to a resolution from Kerry County Council in relation to Community Employment.
22/07/2021	Minister for Social Protection	Response to a resolution from Kerry County Council in relation to the payment of Child Benefit.
23/07/2021	Transport Infrastructure Ireland	Response to a resolution from Kerry County Council in relation to Rathmore to Mitchelstown & Mallow road.
27/07/2021	Minister for Housing, Local Government & Heritage	Response to a resolution from Kerry County Council in relation to planning enforcement.
27/07/2021	Commissioner's Office, An Garda Síochána	Response to a resolution from Kerry County Council in relation to CCTV - Joint Data Processing Agreement.
28/07/2021	Minister for Finance	Response to a resolution from Kerry County Council in relation to the Help to Buy Scheme.
29/07/2021	Minister for Transport	Response to a resolution from Kerry County Council in relation to plans to restart air travel connectivity into the South-West post Covid-19.
3/08/2021	Transport Infrastructure Ireland	Response to a resolution from Kerry County Council in relation to access to national roads for new housing, including new housing utilising an existing access.
5/08/2021	HSE	Response to a resolution from Kerry County Council in relation to the development of primary care centres in Caherciveen and Killorglin.
12/08/2021	Minister for Justice	Response to a resolution from Kerry County Council in relation to funding of the coroner districts in Kerry.
19/08/2021	Minister for Housing, Local Government & Heritage	Response to a resolution from Kerry County Council in relation to the electoral registration process.
20/08/2021	Minister for Housing, Local Government & Heritage	Response to a resolution from Kerry County Council in relation to the Housing Assistance Payment (HAP).
23/08/2021	Minister of State for Local Government and Planning	Response to a resolution from Kerry County Council in relation to the waiver of commercial rates in 2021
24/08/2021	Transport Infrastructure Ireland	Response to a resolution from Kerry County Council in relation to the junction at Kennedy's Cross, Callinafercy.
26/08/2021	Minister for Justice	Response to a resolution from Kerry County Council in relation to the fraudulent insurance reform.
3/09/2021	Minister of State for Justice	Response to a resolution from Kerry County Council in relation to the Occupiers' Liability Act, including the duty of care and notices and waivers.
10/09/2021	Minister for Justice	Response to a resolution from Kerry County Council in relation to the illegal dumping of waste and the relevant use of CCTV by local authorities in pursuing offenders.
15/09/2021	Minister for Tourism, Culture, Arts, Gaeltacht, Sport & Media	Response to a resolution from Kerry County Council in relation to COVID-19 financial supports for hospitality businesses.
5/08/2021	Donegal County Council	Resolution adopted in relation to calling on Donegal County Council to stop immediately (a) the collection of the LPT from the victims that have been destroyed by Mica, Pyrite and Pyrrhotite and that they refund all monies back to the victims since the establishment of the Local Property Tax. (b) the collection of commercial rates from property and business owners that have been destroyed by Mica, Pyrite and Pyrrhotite and that all commercial rates be refunded to these victims from the date of completion of their properties when they became commercially rateable.
10/09/2021	Sligo County Council	Resolution adopted in relation to writing to the Minister for Health and the Taoiseach requesting that without delay the work of Frontline workers be remunerated.

<b>Date</b>	<b>From</b>	<b>Description</b>
15/09/2021	Clare County Council	Resolution adopted in relation to calling for an extension of the date for completion of works under the Streetscape Enhancement Grant Scheme 2021.

### **20.9.2021.17 Any Other Business**

#### **Oncology Services at University Hospital Kerry (UHK)**

Cllr. Mikey Sheehy asked that another reminder letter issue to the Minister for Health requesting an update on the Oncology Services at University Hospital Kerry.

#### **Sharepoint System**

Cllr. Jackie Healy-Rae referred to the Sharepoint System for Council meeting documentation which was to be updated by the I.T. Department and asked when access will be restored.

The Chief Executive said many systems were taken down due to I.T. security works. Many old technologies had issues identified. The Director of Corporate Services will follow this up with I.T.

#### **Vote of Congratulations**

Cllr. Mikey Sheehy proposed a Vote of Congratulations to Killarney Golf Club who won the AIG All-Ireland Junior Cup at the weekend.

The meeting concluded at 4.00 p.m.

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

**Cathaoirleach of Kerry County Council**