

KILDARE COUNTY COUNCIL

Minutes of Monthly Meeting of Kildare County Council held at 2.00p.m on Monday, 27 April 2015 at Áras Chill Dara, Devoy Park, Naas, Co Kildare

Members Present: Councillor F O'Loughlin (Mayor), Councillors A Breslin, A Breen, F Brett, K Byrne, B Caldwell, D Callaghan, R Cronin, W Crowley, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, I Keatley, P Kennedy, A Larkin, J Lawless, P McEvoy, J McGinley, F McLoughlin-Healy, M Lynch, M. Miley Jnr, S Moore, T Murray, J Neville, N O'Cearuil, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, P Ward, B Weld and B Young

Apologies: Councillors F O'Rourke and S O'Neill

Also Present: Mr. P Carey, Chief Executive, Messrs. J Boland, E O'Sullivan, P Minnock and T McDonnell, (Directors of Services), Ms. E Hanlon (Head of Finance), Ms. S Kavanagh (A/Director of Services), Ms. A. Aspell (Meetings Administrator) and other officials.

01/0415

Adoption of minutes

The council considered the minutes of the 30 March 2015 together with the progress report.

Resolved on the proposal of Councillor Kennedy, seconded by Councillor Breen, that the minutes of 30 March 2015 be adopted and the progress report noted.

Matters Arising

Councillor Young raised a matter in relation to Resolution 17/0315 with regard to the interest rates on loans. The progress report noted that the letter had issued as requested through the resolution.

Councillor Young referred to resolution 28/0315 in Councillor Pender's name and stated that the council should seek further information from Dunnes Stores. The Mayor stated that Kildare County Council passed the resolution but has no further function in this regard.

Councillor Cussen raised an issue concerning the vacant house report and also noted the letter issued by Mr Boland to Irish Water and the fact that there was no response. The Mayor gave an undertaking that the Director of Services for Housing would contact Councillor Cussen to resolve the issue.

02/0415

Management Report

The members considered the monthly Management Report.

Issues were raised regarding the following

- The source of funding for the upgrade of the Osberstown Treatment works
- Flood protection at Hazelhatch
- The options for the Royal Canal in Kilcock
- Pay parking enforcement contract
- Tidy towns projects
- The consultants appointed for the Athy Southern Distributor Road

Councillor McGinley asked had standing orders been amended to reflect a full discussion on the Management Report. The Mayor said that the members could raise issues but that most of the matters raised will be dealt with at municipal district level.

Ms Kavanagh confirmed that the members will be formally notified of the name of the consultants for the Athy Southern Distributor Road and also that a 12 month pay parking enforcement contract will be signed at the end of April and this will allow time for the review to be carried out.

Resolved that the Monthly Management Report be noted.

03/0415

Annual Financial Statement 2014

Ms Hanlon, Head of Finance gave an overview of the Annual Financial Statement stating that it had been considered by the Finance Committee on 30 March 2015 and by the Corporate Policy Group on 13 April 2015. The members were asked to note the report so that it could be submitted to the Department of the Environment, Community and Local Government for audit.

Resolved on the proposal of Councillor Moore, seconded by Councillor Kennedy that the Annual Financial Statement for 2014 be noted.

04/0415

Approval of over-expenditure for year ended 31 December 2014

Ms Hanlon referred to appendix 9 of the Annual Financial Statement, which set out the over-expenditure for year ended 31 December 2014.

Councillor Moore referred to the in-depth analysis and discussion regarding the Annual Financial Statement and the over-expenditure at the Finance Committee meeting and complimented Ms Hanlon and her staff for their work on these reports.

Resolved on the proposal of Councillor Moore, seconded by Councillor Kennedy, that the over-expenditure set out in appendix 9 of the Annual Financial Statement for year ended 31 December 2014, and re-produced in appendix 1 to these minutes, be approved.

05/0415

Presentation from the National Transport Authority

The Mayor welcomed Ms Anne Graham, Chief Executive of the National Transport Authority to Kildare County Council. In advance of the presentation, Ms Kavanagh, A/Director of Services liaised with the members and the issues of most concern were forwarded to Ms Graham so that they could be addressed in the presentation.

Ms Graham informed the members that the National Transport Authority has statutory responsibility for a broad range of functions including:

- Delivery of public transport services nationally
- Regulation of commercial bus routes nationally
- National taxi regulation
- National public transport information and ticketing
- Transport planning and capital investment in public transport in the greater Dublin area.
- Rail, bus and marine passenger rights

The following is managed by the National Transport Authority on behalf of the Department of Transport:

- The Regional Cities Grants for sustainable transport
- The National Accessibility Fund
- The Rural Transport programme
- The planned integration of rural, health and school transport services
- The National Smarter Workplaces travel programme
- Oversight and funding of the Green Schools programme

Ms Graham outlined the national trends in travel, the challenges facing public transport, the targeted travel management programmes and the plans to improve public transport services. She gave an overview of the public transport services in Kildare, the enhancements proposed for the customer and the five year investment framework for Kildare 2013 to 2017.

With regard to infrastructure, the National Transport Authority will continue to support Kildare County Council to deliver improvements. Funding of over €13.5m was allocated to Kildare County Council between 2011 and 2014 for sustainable transport schemes. Of this amount, €5.7m has been spent by Kildare County Council in that period. While the initial allocation to Kildare for 2015 was €1.275m, a further €250,000 will be allocated in May for the bus hub in Naas now that the tenders have been received.

Ms Graham informed the members that the Rural Transport Programme came under the aegis of the National Transport Authority in April 2012 and a strategy document was launched by Minister Alan Kelly in July 2013. Economic circumstances have affected the provision of public transport services and the National Transport Authority is committed to working with local and regional authorities to ensure that past patterns of unsustainable dispersed development are not repeated.

The Mayor and members thanked Ms Graham for the very insightful presentation and in particular her willingness to engage over the past few weeks in discussions regarding transport in the south of the county.

The members sought clarification around the following issues;

- Tendering for services
- Transport links between north and south Kildare
- The two week period of notice that must be given by the service providers when there is a change proposed – is legislation required to increase this?
- Prioritisation of projects
- Free Travel Scheme
- Multi Annual Programme
- Route 130
- Weekend service
- 5 year plan
- Shuttle buses to and from train station
- Communication
- Bus hub in Naas
- Tourism opportunities with discounts
- Reduction of frequency of service on the 120 route
- Bus shelters, locations and responsibility for provision of same
- Transport Planning - Sallins Road and Dublin Road corridors [Naas]

- Kilcock train station
- Fare structures
- Lighting at the bus shelter on the old M4 Moyvalley/Broadford area

Ms Graham acknowledged the comments from the members and was encouraged by their engagement in the promotion of the use of the public transport system. The background to the tendering of services was explained and there is an acknowledgement that further subsidy will be required to extend current services. The term of the notice issue will be examined and if it is decided that there will be a change, this will not require legislation. With regard to the prioritisation of projects, Ms Graham explained that while their resources are limited, the National Transport Authority examine projects in accordance with their strategy and wish to retain that function. There is however a basis for establishing a framework of projects in line with the strategy of the National Transport Authority with the aim of a more collaborative approach. The details of the free travel scheme are under review in consultation with the Department of Social Protection and indications are positive that the subsidy to support the scheme will be provided. Ms Graham agreed that a multi annual approach to funding would be preferable and will convey the views of the members. Route 130 will be included in the 2015 programme and the issue raised concerning the shuttle buses will be examined. There are no plans in place to reduce the frequency of the service on the 120 route. The fare/pricing structure is challenging and is under review with a view to reducing the anomalies in the current system. With regard to the bus shelters, Ms Graham confirmed that there are 10,000 bus stops nationally, 7,000 of which are in the greater Dublin area and that the National Transport Authority fund in the region of 40 bus stops per year.

The Mayor thanked Ms Graham for her presentation and her response and in particular for her participation in the recent meetings in South Kildare.

The Chief Executive commended Ms Graham for her presentation and participation in the process and confirmed that it was important to work in a collaborative manner and stated that Kildare would be happy to support the multi annual funding approach.

06/0415

Conferences and Training Programme

The Training and Development Programme for elected members was considered.

Resolved on the proposal of Councillor Crowley, seconded by Councillor S Power, the Training and Development Programme for members was approved.

07/0415

Annual Report 2014

The draft Annual Report 2014 was considered by the members.

The Mayor thanked the staff for the report and in particular Adrienne Cassidy and Lorraine Kennedy for their work on this document.

Resolved on the proposal of Councillor Weld, seconded by Councillor McEvoy, the Annual Report 2014 was adopted.

08/0415

Mayor's Business

The Mayor commended the council's participation in the different aspects of the fire which is currently the subject of a criminal investigation at Millfield Manor, Newbridge. The emergency services provided a seven minute response, an incident room was set up in Hotel Keadeen, the site was secured and the community team provided a coordinated response to those families who found themselves in a homeless situation. She informed the members that an independent report had been commissioned and this will be made available to a delegation of the residents. It is important to remember that the fire related to one block of houses and that there were a number of different phases of development and different contractors involved in this development of the overall site at Millfield Manor.

The Mayor informed the members that the Sky 191 programme County Matters now has a restructured format which provides a platform for showcasing community groups, festivals and other events in the county.

The Mayor referred to the work of the committee on the Decade of Commemoration and informed the members of the public consultation scheduled to take place in the Osprey Hotel on Thursday 14 May 2015.

The Mayor attended the following events on behalf of the members

- The re-launch of the Moyvalley Golf Club
- The opening of the Suncroft playground

- The opening of an outdoor gym in Newbridge
- The Suncroft Community Centre
- The Civil Defence Awards
- The Kildare Expo 2015 organised by the North Kildare Chamber of Commerce
- The launch of the Ideas Realised – Library Development Plan in Leixlip Library
- The final of the schools debating competition in Aras Chill Dara

The members were informed of a special meeting of the full council scheduled for 8 June 2015 at 2.00pm to prepare an integrated response to the planning application for the Maighne Wind Farm project currently before An Bord Pleanála.

The Mayor recalled the recent death of the former County Engineer, John Carrick and extended her sincere sympathy to his wife and family.

Sympathy was also extended to the victims of the earthquake in Nepal and the migrants lost in the boat tragedy.

The Mayor informed the members that it has been custom and practice for the Mayor of the day to bring a meeting to a venue outside the Chamber and she proposed that the May meeting scheduled for 25 May 2015 be held in the Rathangan Community Centre.

Resolved on the proposal of Councillor O'Loughlin, seconded by Councillor Stafford with all the members in agreement, the meeting scheduled for 25 May 2015 to be held in Rathangan Community Centre.

09/0415

Conferences and Training

The Meetings Administrator referred to report dated 25 April 2015 circulated to the members regarding conference and training events in accordance with Section 53(2) of the Local Government Reform Act 2014.

Resolved on the proposal of Councillor Redmond, seconded by Councillor Kennedy, that the members approve of the attendance of:

Councillors Larkin, Kennedy, Caldwell and Redmond at the AILG training event in the Killeslin Hotel, Portlaoise on 21 May 2015.

Councillor Murray at the AILG training event at the Spring Hill Court Hotel, Kilkenny on 7 May 2015

Councillor Hillis at the AILG training event in the Sligo Park Hotel, Sligo on 16 May 2015.

Councillors Crowley and Redmond at the AILG training in Celbridge Manor, Celbridge on 14 April 2015.

10/0415

Votes of Sympathy

The Mayor and members expressed sympathy to the family of the late:

Mr. John Carrick, retired County Engineer, Kildare County Council

Mr Michael Byrne, retired employee Road Construction, Kildare County Council

11/0415

Irish Language Signs

The following motion in the name of Councillor Cronin was considered:

That the council request the Minister for Transport, Tourism and Sport to cease the exemption to road traffic signs in the Official Languages Act 2003 and to give parity to the Irish language in all future and replacement road traffic signs under our authority and iterates its support to being a trial county in the event of the NRA looking for a pilot county towards its implementation statewide.

The motion was proposed by Councillor Cronin and seconded by Councillor Cussen.

A report setting out statutory information on the motion was circulated to the members. The Irish Languages Act (and Statutory Instruments) state that the legislation does not apply to traffic signs. That is not to say that traffic signs are 'exempt' from the intent of the Irish Languages legislation but that the Traffic Signs Manual details what the obligations of the Roads Authority are with regard to the use of Irish on traffic signs.

In proposing the motion Councillor Cronin, thanked Ms Kavanagh for the report and sought the support of the members to issue the request to the Minister for Transport Tourism and Sport as outlined in the motion. Members contributed to a discussion and there was general agreement to the progressive approach proposed in the motion.

Resolved on the proposal of Councillor Cronin, seconded by Councillor Cussen with all the members in agreement, the motion was carried.

12/0415

Housing Waiting List

The following motion in the name of Councillor Crowley was considered:

That Kildare Council, with a view to significantly impacting positively on the current housing waiting list, considers utilising a Department of the Environment, Community and Local Government allocation to purchase unsold units in additional appropriate areas and engages with all

stakeholders, to include receivers, potential developers and Nama along with voluntary housing providers explore the possibility of replicating the highly successful Coneyboro model adopted in Athy in other areas of the county.

The motion was proposed by Councillor Crowley and seconded by Councillor Redmond.

A report from Mr McDonnell, Director of Services stated that following on from the launch of the Social housing Strategy 2020, the Housing Department made a submission to the Department of the Environment , Community and Local Government who recently announced an allocation of €86,858,105 for social housing in Kildare during the period 2015 – 2017. The specific details of this allocation are expected to be announced shortly. The Council has been working with approved housing bodies and other interested parties on the delivery of housing units through a variety of mechanisms including new build and resolution of unfinished and problematic developments.

Councillor Crowley welcomed the report but said that he does not see any evidence of progress. He asked the Housing Department to be more proactive in their approach and said that speculators are moving in ahead of the Council. Councillor Crowley said that he saw an opportunity with unsold houses and while the developers and NAMA are difficult to deal with, he commended the successful Coneyboro model.

The members contributed to a discussion generally supporting the motion and asking that state owned properties such as the housing units on the Curragh Camp also be examined. It was noted that there were many houses for sale in Kildare. At present it is cheaper to purchase rather than build but that it was very important that the market is not distorted and that should this position change, the flexibility is there to respond. The Coneyboro experience was acknowledged as being a positive one, in particular for the 43 families who are now living there.

Mr McDonnell informed the members that the report was drafted before the confirmation was received from the Department. He confirmed that in discussion with the Planning department, he is examining the issue of unfinished estates. He agreed that it was essential not to distort the market and he assured the members that all possibilities are being explored to maximise the potential of the allocation for Kildare.

Resolved on the proposal of Councillor Crowley, seconded by Councillor Redmond, with all the members in agreement the motion was carried.

13/0415

Skillsets and Training Requirements

The following motion in the name of Councillor McLoughlin-Healy was considered:

That the council work with the Kildare Wicklow Education and Training Board on a project to identify skillsets and training requirements in Kildare, with an emphasis on areas of little interest currently to the IDA and Foreign Direct Investment. The majority of Foreign Direct Investment interest is directed to the north of the county. The ETBI is ideally positioned to help close the gap between disadvantaged regions and the regions that are inherently more attractive to Foreign Direct Investment.

The motion was proposed by Councillor McLoughlin-Healy and seconded by Councillor Hillis. A report was circulated outlining the remit of the Local Enterprise Office and stating that there will be consultation with the Education and Training Board.

Councillor McLoughlin-Healy expressed her disappointment at the report and stated that she would have expected a report from the Director of Services for Economic Development. She said that this was a very important issue and asked that a response from the Director be made available for the next meeting.

Members contributed to a debate on the low number of IDA site visits and a suggestion that the motion be referred to the appropriate Strategic Policy Committee for consideration. Other members confirmed that at the AILG training, members were assured that the IDA site visits is a procedure at the end of the process and that the number of site visits has no bearing on the foreign direct investment in the county.

The Chief Executive confirmed that he is already in discussion with the Education Training Board. The consultation process of the Local Economic and Community Plan is underway and that is another component in the process. The role of creating the right environment and ensuring the delivery of the supporting infrastructure to attract investment is ongoing. He assured Councillor McLoughlin- Healy that this is a priority and is being managed.

Resolved on the proposal of Councillor McLoughlin-Healy, seconded by Councillor Hillis that the report from the Local Enterprise Office and the assurances from the Chief Executive be noted.

14/0415

Policy on Wind Energy

The following motion in the names of Councillors O'Loughlin, Miley and Fitzpatrick was considered:

In light of the fact that the Government has not produced their long awaited strategy document on wind energy, that the council move immediately to tighten up its policies with respect to large scale industrial wind development and incorporate into its development plan, a minimum set-back from a residence of 10 times the height of the turbine. At present the Kildare County Development Plan 2011-2017 is very liberal with respect to wind energy, effectively opening up all of the county to wind development of any scale, small or large. If these proposed developments were to happen, it could have serious impacts on tourism, the bloodstock industry, property values and landscape in general, aside from possible health impact.

The motion was proposed by Councillor O'Loughlin and seconded by Councillor Miley.

A report from the Planning Department stated that in December 2013 Council commenced the preparation of a Wind Energy Strategy for County Kildare. On 11 December 2013 the Department of the Environment, Community and Local Government notified planning authorities that it was commencing the review of the Wind Energy Development Guidelines 2008. On 20 December 2013 the Department of the Environment Community and Local Government issued Circular Letter PL 20-13 which advised the planning authority to defer amending their existing Development Plan policies pending the review of the 2008 Guidelines. At time of writing this review has not been completed.

On the 15th of February 2014 Minister of State Jan O'Sullivan directed Westmeath County Council to omit a policy from the 2014 – 2020 County Development Plan that exclude industrial scale wind energy developments (over 100 metres in height, scale of 5 turbines with an output greater than 5MW) within a distance of 10 times the height of the proposed turbine to residential dwellings. The Department of the Environment Community and Local Government stated that Westmeath County Council did not take sufficient account of the Wind Energy Development Guidelines 2008.

Furthermore that the imposition of the separation distance proposed in a county with a dispersed pattern of rural housing would effectively rule out the consideration of wind energy projects of any scale in Westmeath. If Council were to pursue a similar policy position it is probable that the Minister would use his / her powers in a similar fashion as many of the reasons for the direction by the Minister in the Westmeath case would also apply for similar policy in Kildare. Reasons include inconsistencies with the national targets for generation of energy consumption from renewable energy sources by 2020 and the commitments to increase on and offshore wind energy production

indicated in the strategy for Renewable Energy 2012-2020 and the aforementioned Wind Energy Development Guidelines 2008.

The members were advised that if this motion is adopted, it is likely that the Minister would use his/her powers to direct Kildare County Council to omit such a policy as was the case in Westmeath County Council.

Councillor Miley stated that the motion was self-explanatory. There has been no response from Government and the review of the 2008 guidelines has been promised since 2013. He stated that it is now timely to move to protect the county. Several members contributed to a debate on the motion raising issues about the delay in the issue of the guidelines, the involvement of the Energy Committee, and support for the message to the Minister but concern that the public will be misled by the adoption of this motion. Members of the Energy Committee recalled the intensive work undertaken with regard to the recent variation of the County Development Plan. Those who attended a recent public meeting in Derrinturn stated that there were circa 250 people in that hall who were opposed to the Strategic Infrastructure Development application from Element Power Ireland Ltd for the Maighne Wind Farm consisting of up to 47 turbines, 1 no. electricity substation and associated works currently before An Bord Pleanala, and that the public were demanding a response from their elected representatives. It is understood that the guidelines have been referred to the Attorney General and that their issue is imminent. Any planning permission granted now or in the future will be obliged to abide by the guidelines.

Councillor McEvoy proposed an amendment to the motion as follows:

In light of the fact that the Government has not produced their long awaited strategy document on wind energy, that the council move at the soonest opportunity to tighten up its policies with respect to large scale industrial wind development and incorporate into its development plan, a minimum set-back from a residence of 10 times the height of the turbine. At present the Kildare County Development Plan 2011-2017 is very liberal with respect to wind energy, effectively opening up all of the county to wind development of any scale, small or large. If these proposed developments were to happen, it could have serious impacts on tourism, the bloodstock industry, property values and landscape in general, aside from possible health impact.

Mr Minnock, Director of Service, referred the members to Sections 8.11 and 8.11.2 relating to Energy and Wind Policy and in particular paragraphs WE1, WE2, and WE3 of the County Development Plan which sets the context for dealing with such applications. Mr Minnock referred to similar situations in Westmeath and Laois County Councils and advised the members that the review proposed would be wasteful because it would have no legal standing. He advised the members that a submission from Kildare County Council to An Bord Pleanala regarding the

strategic infrastructure planning application by Element Power for a development of Maighne windfarm consisting of up to 47 turbines, 1 no. electricity substation and associated works in County Kildare and County Meath must be made by 18 June 2015 and that in order to facilitate full consideration of the report of the Chief Executive, a special meeting will be held on 8 June 2015. He reminded members that individual observations /submission must be made by Thursday 4 June 2015.

Councillor Miley disagreed with Mr Minnock and stated that the section of the County Development Plan referred to does not take account of industrial wind farms and he complimented Westmeath and Laois County Councils on their effort to protect the people of their counties. Concern was raised regarding the advice to await the guidelines and the members who proposed the motion pressed for a vote.

Councillor Wall proposed a further amendment as follows

In light of the fact that the Government has not produced their long awaited strategy document on wind energy, that the council move within a period of one month to tighten up its policies with respect to large scale industrial wind development and incorporate into its development plan, a minimum set-back from a residence of 10 times the height of the turbine. At present the Kildare County Development Plan 2011-2017 is very liberal with respect to wind energy, effectively opening up all of the county to wind development of any scale, small or large. If these proposed developments were to happen, it could have serious impacts on tourism, the bloodstock industry, property values and landscape in general, aside from possible health impact.

Councillors O'Loughlin, Miley and Fitzpatrick agreed to this amendment from Councillor Wall and the Mayor decided to put the amended motion to the floor.

Councillor McEvoy withdrew his amendment.

The Chief Executive asked the members to reflect on their position. He said that he appreciated their frustration in the absence of the guidelines and acknowledged the vacuum. However, he has received strong assurance that the guidelines will issue by the summer. He said that he must operate within a legal framework and have regard to Government Policy and that this motion is premature pending the issue of the guidelines. The passing of this motion or the amended motion would be open to judicial review and/or Ministerial direction and he strongly advised the members not to proceed. Even with the existing guidelines, any permission granted must be in accordance with the proper planning and development of the area.

The Mayor said that two years ago the members were told such a motion was premature and that a vote must now be taken on this matter.

The Chief Executive stated that regardless of the outcome of this vote, which he is advising against, he will not give any undertaking to begin this process.

Councillor S Power proposed that in view of the serious reservations of the Chief Executive, that the proposed motion be withdrawn.

Resolved on the proposal of Councillor O'Loughlin, seconded by Councillor Doyle, standing orders be suspended for 5 minutes to allow the members who proposed the motion and Councillor Wall who proposed the amendment to consult.

The meeting resumed and the Mayor informed the members that she was putting the following revised motion to the floor.

In light of the fact that the Government has not produced their long awaited strategy document on wind energy, that the council move within a period of one month to tighten up its policies with respect to large scale industrial wind development and incorporate into its development plan, a minimum set-back from a residence of 10 times the height of the turbine. At present the Kildare County Development Plan 2011-2017 is very liberal with respect to wind energy, effectively opening up all of the county to wind development of any scale, small or large. If these proposed developments were to happen, it could have serious impacts on tourism, the bloodstock industry, property values and landscape in general, aside from possible health impact.

In accordance with standing orders, six members called for a roll call vote.

The following members voted in favour of the motion

Councillors Breen, Breslin, Byrne, Cronin, Cussen, Fitzpatrick, Lawless, Lynch, McGinley, Miley, O'Cearuil, O'Loughlin, Pender, R Power, S Power, Redmond, Wall, Ward and Young (19).

The following members voted against the motion

Councillors Brett, Durkan, Hillis, Kennedy, Larkin, McEvoy, Murray, Neville, Scully, Stafford, and Weld (11).

The following members abstained

Councillors Callaghan, Crowley, Dalton, Doyle, Keatley, McLoughlin-Healy, and Moore (7)

Resolved on the proposal of Councillor O'Loughlin, seconded by Councillor Miley with 19 members voting in favour, 11 members voting against and 7 members abstaining, the amendment to motion 14 as outlined above and submitted by Councillor Wall was carried.

15/0415

Maighne Wind Farm Project

The following motion in the name of Councillor Lynch was considered:

That this council immediately writes to and calls on both An Bord Pleanála and the Minister for the Environment, Community and Local Government to put the large scale industrial Maighne Wind Farm project on hold until Government publishes its updated wind turbine regulation guidelines. As a council we will use all means available, to make the public fully aware of the proposed Maighne Wind Farm project and make the planning submission process to An Bord Pleanála and relevant information as easily accessible with as much information as possible, advertised through local media and on the front page of the council's website.

The motion was proposed by Councillor Lynch and seconded by Councillor Cronin.

A report from the Planning Department informed the members that on the 9 April 2015 Element Power Ireland Ltd lodged a Strategic Infrastructure Development application for the Maighne Wind Farm consisting of up to 47 turbines, 1 no. electricity substation and associated works with An Bord Pleanála under Section 37 of Planning and Development (Strategic Infrastructure) Act 2006. ABP reference 09.PA0041 refers. All Strategic Infrastructure Development applications fall under the jurisdiction of An Bord Pleanála. As a result Council does not have the power to compel either the applicant or An Bord Pleanála to put this Strategic Infrastructure Development application on hold pending completion of Government's review of the 2008 Wind Energy Development Guidelines. An Bord Pleanála will have to assess the Maighne Wind Farm Strategic Infrastructure Development application in accordance with the existing 2008 Guidelines and all relevant planning criteria.

The Council have until the 18 June 2015 to make a submission on the Strategic Infrastructure Development application. Members will have the opportunity to make observations on the SID application in due course.

The front page of the Council's website provides a link to an information page on the Maighne Wind Farm: <http://kildare.ie/CountyCouncil/LatestItemsAdded/Windfarmplanningapplication.html>

The Maighne Wind Farm planning application, Environmental Impact Statement and Natura Impact Statement are available for inspection at the planning public counter and are on display beside the Committee Room on Level 2 of Aras Cill Dara from Thursday 16th April for a period of 7 weeks until Thursday 4th June. The application may also be viewed / downloaded at www.maighnewindfarm.ie.

Councillor Lynch stated that it was very important to make sure that it is on record that the members of Kildare County Council do not want a decision on any application for wind farms in the absence of the guidelines. The public have made their views clear and these wind farm projects are not wanted.

Councillor Durkan referred to Section 30 of the Planning and Development Act 2000 which states that the Minister shall not exercise any power or control in relation to any particular case with which the Planning Authority or the Board is or may be considering, and therefore he said that the motion cannot go forward.

This was debated by the members, with comparisons being made to the previous motion, and a request for consistency.

Mr Kenny, Senior Planner said that the motion is premature pending the special meeting of 8 June 2015 when the Chief Executive's report will be available to the members. The motion could be incorporated at that stage into the submission to An Bord Pleanála if it were agreed by the members.

The Chief Executive agreed with Mr Kenny and stated that he is willing to write in respect of the guidelines.

The Mayor said that there were two parts to this motion and confirmed that the Executive have been consistent in their response to both motions.

Councillor Lynch asked that his motion be put to the floor and in accordance with standing orders six members called for a roll call vote.

Councillor McEvoy proposed the following amendment to the motion:

That Kildare County Council write to the Minister for Environment, Community and Local Government to seek the publication of the Department guidelines in relation to wind energy and furthermore that Kildare County Council submit to An Bord Pleanála requesting decision of An Maighne windfarm to be delayed until after the aforementioned guidelines are published. As a council we will use all means available, to make the public fully aware of the proposed Maighne Wind Farm project and make the planning submission process to an Bord Pleanála and relevant information as easily accessible with as much information as possible, advertised through local media and on the front page of the council's website.

Councillor Kennedy seconded this amendment.

Councillor Lynch objected to the amendment and requested that the original motion stand and be put to a vote.

Standing Orders state that where an amendment is affirmed the original motion as amended becomes the substantive motion.

In accordance with standing orders six members indicated that they supported a roll call vote.

The following members voted in favour of the motion

Councillors Breen, Breslin, Brett, Byrne, Caldwell, Callaghan, Crowley, Dalton, Doyle, Durkan, Hillis, Keatley, Kennedy, Larkin, Lawless, McEvoy, McGinley, McLoughlin-Healy, Miley, Moore, Murray, Neville, O'Cearuil, O'Loughlin, R Power, S Power, Scully, Stafford, Wall, Ward and Weld (31)

The following members voted against the motion

Councillors Cronin, Cussen, Lynch, Pender, Redmond and Young (6)

No member abstained.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Kennedy, with 31 members voting in favour, 6 members voting against and no member abstaining, the amended motion outlined above was carried.

Resolved on the proposal of Councillor Doyle, seconded by Councillor O'Cearuil, that standing orders be suspended to allow the meeting continue for a further 30 minutes.

16/0415

1916 Centenary Commemorations

The following motion in the name of Councillor Cussen was considered:

That this council recognises that we have less than a year to 1916 Centenary Commemorations and that the council should immediately apply to participate in the Glór na Cásca initiative which has been approved by the Department of Arts, Heritage and the Gaeltacht.

The motion was proposed by Councillor Cussen and seconded by Councillor Cronin.

A report was circulated stating that the motion will be referred to the Decade of Commemoration Committee. A public consultation has been arranged for Thursday, 14 May 2015 in the Osprey Hotel at 7.30pm to 10.00pm inviting participation from local groups, organisations and individuals.

Councillor Cussen said that the message had not been communicated regarding the 1916 commemoration and the public need to be informed how to apply for the Glór na Cásca initiative. She stated that she did not agree with 1916 being lumped in with a decade of commemoration and

that the €32,000 received by Kildare County Council should be used specifically for the 1916 commemoration.

Members contributed to a discussion where reference was made to the excellent presentation from Marion Higgins at the February meeting and the significant body of work that has been undertaken by the committee. Reference was also made to the presentation from AILG where Kildare received commendation as the leading county in Ireland for their work on the project and members rejected the statement that this was the first time that 1916 was discussed in the chamber.

Resolved on the proposal of Councillor Cussen, seconded by Councillor Cronin, the report was noted.

17/0415

Tenant Protection Units

The following motion in the name of Councillor Kennedy was considered:

That the council examine the function of Tenant Protection Units and Tenant Sustainment Workers (social workers) in voluntary bodies, and in other local authorities, as options to address developing patterns of homelessness and housing demand.

The motion was proposed by Councillor Kennedy and seconded by Councillor McEvoy.

A report from the Housing Department stated that the Council employs two Homeless Outreach Workers and one Traveller Social Worker to meet specific aspects of the requirements of social housing applicants. The demands on housing services and the resources necessary to meet those requirements are monitored and it is not proposed at this time to change the existing service delivery mechanism. The issue will be raised at the next meeting of the Mid-East Regional Homelessness Forum in the context of establishing best practice.

Councillor Kennedy said that he had discussed this motion with Deputy Catherine Murphy who informed him that 137 families had presented as homeless in the north of the county. As Chairman of the Housing Strategic Policy Committee, he said that he was concerned and that he considered the provision of a tenancy sustainment service to be crucial in preventing homelessness. He is calling on the council to look at best practice and through this process effect change to alleviate the current position.

Several members contributed to a discussion acknowledging the work of the staff in the Housing Department and alluding to the fact that the number of staff working in this particular area of Housing is the same for several years and asking the Director of Housing to look at the current crises. An undertaking was given during the Budget process and members expressed disappointment that the issue had not been addressed. Some members expressed concern at the

vagueness of the motion and proposed amending it but Councillor McEvoy stated that it was carefully worded in order to comply with standing orders.

Mr McDonnell, Director of Service stated that he is reviewing all aspects of the housing function and will be reporting back to the Chief Executive with his proposals for restructuring.

Resolved on the proposal of Councillor Kennedy, seconded by Councillor McEvoy, that the report be noted pending a report of the review currently underway.

18/0415

Bye Laws in light of Regional Waste Management Plan

The following motion in the name of Councillor Larkin was considered:

In light of the Regional Waste Management Plan, that the council consider the use of bye-laws to regulate the storage, presentation and collection of household and commercial waste, as has been implemented in other local authorities.

The motion was proposed by Councillor Larkin and seconded by Councillor McEvoy.

A report from the Water Services and Environment Department stated that this issue will be progressed through the Environmental Services and Water Strategic Policy Committee and will involve a consultation process.

Councillor Larkin stated that Dublin City Council has implemented bye-laws and said that he was satisfied with the report and looked forward to the result of the consultation process.

Councillor S Power thanked Councillor Larkin for tabling the motion and gave his assurance as Chairman of the Environmental Services and Water Strategic Policy Committee that this will be a priority.

Councillor Power paid tribute to the late Mr John Carrick, County Engineer and extended his condolences to his wife and family.

Resolved on the proposal of Councillor Larkin, seconded by Councillor McEvoy, that the motion be referred to the Environmental Services and Water Strategic Policy Committee.

19/0415

Group and Individual Solar Heating Systems

The following motion in the name of Councillor McEvoy was considered:

That the council examine the feasibility of incorporating group and individual solar heating systems and passive grey water systems when developing local authority houses, as a means of reducing carbon footprints and water consumption.

The motion was proposed by Councillor McEvoy and seconded by Councillor Larkin.

A report stating that the Council consider all renewable energy options in the design of new build social housing schemes was circulated to the members. The Athgarvan Road, Newbridge scheme will include an air to water heating system as a sustainable energy option.

Councillor McEvoy acknowledged that the Council has been progressive in this regard.

There was broad support for the motion with a caution regarding the complexity of operating and maintaining such systems.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Larkin, with all members in agreement, the report was noted.

20/0415

Procedures for Naming Estates

The following motion in the name of Councillor Murray was considered:

That the council review the procedure for naming areas within new residential developments

The motion was proposed by Councillor Murray and seconded by Councillor McEvoy.

A report from the Planning Department outlined the importance of naming housing estates, streets to reflect the local topography, history and culture. The report also suggested that the motion be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee so that guidelines may be drawn up with regard to naming of residential estates.

Councillor Murray stated that her motion referred to the naming of cul de sacs within estates and she said that the names should reflect the heritage of the area and repetition of names should be avoided.

There was broad support for this motion and it was noted that there are guidelines for developers. Mr Minnock said that these guidelines could be considered in more detail by the Strategic Policy Committee. In the past, a member of staff who has now retired reported on such applications. This person had over 40 years planning experience and a keen interest in history so perhaps it is timely to review the process.

Resolved on the proposal of Councillor Murray, seconded by Councillor McEvoy, with all members in agreement, the report was noted and the motion to be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee.

21/0415

Seizure of hazardous waste

The following motion in the name of Councillor Stafford was considered:

That the council will devise and implement a specific policy regarding the seizure of waste particularly hazardous waste which is stockpiled for the purposes of burning usually as part of a bonfire.

The motion was proposed by Councillor Stafford and seconded by Councillor Larkin.

A report from the Water Services and Environment Department stated that the motion could be referred to the Environmental Services and Water Strategic Policy Committee.

Councillor Stafford spoke on the motion and stated that the Dublin authorities seize such materials and that this was a very important issue and that the practice of stockpiling hazardous waste is totally unacceptable and this message needs to go out.

Resolved on the proposal of Councillor Stafford, seconded by Councillor Larkin, with all members in agreement that this motion be referred to the Environmental Services and Water Strategic Policy Committee.

22/0415

Procedures regarding Strategic Policy Committees

The following motion in the name of Councillor Moore was considered:

That Directors/Chairpersons of Strategic Policy Committees carry out responsibility to ensure written reports of meetings/discussions and actions are made directly available to members prior to council monthly meetings.

A report from Corporate Services stated that the statutory basis for Strategic Policy Committees is set out in Section 48 of the Local Government Act 2001, as amended by Section 41 of the Local Government Reform Act 2014. The Strategic Policy Committee scheme 2014 – 2019 was adopted by the members. Minutes of meetings of the Corporate Policy Group since the election of this council, are published on the Members Net for information. Issues of significance arising from meetings of the Corporate Policy Group will be included in the monthly management report. In addition, it is now proposed to publish minutes of meetings of each of the Strategic Policy

Committees on the Members Net. This link will be established and minutes published once adopted by the Strategic Policy Committees.

Councillor Moore thanked Mr O'Sullivan for the report but said that he did not want to be referred to the Members Net. He said that the Strategic Policy Committees are not meeting often enough and that members should be allowed to attend Strategic Policy Committee meetings as there is no information coming out. He requested the draft minutes so that members could have an input. There was a general discussion with some support for the motion and other incidences of the Chairs of Strategic Policy Committees inviting members to present on their motions which were referred from plenary council.

The Mayor said that this motion should be referred to the Protocol Committee. She said that it would be unfair for members to have the draft minutes but that the hard copies of the adopted minutes should be made available to Councillor Moore pending the decision of the Protocol Committee in this matter.

Resolved on the proposal of Councillor Moore, seconded by Councillor Dalton, this motion to be referred to the Protocol Committee and the minutes of the Strategic Policy Committee meetings adopted be made available to Councillor Moore pending the decision of the Protocol Committee.

23/0415

Legislation to protect the family home

The following motion in the name of Councillor Redmond was considered:

This council condemns the banks whom were bailed out with our public finances and calls on the Government to immediately intervene and bring forward legislation to protect the family home.

The motion was proposed by Councillor Redmond and seconded by Councillor Lynch.

Councillor Redmond said that there are currently 7,100 bills for repossession and that 421 people in Kildare are facing repossession of their homes. He welcomed the move announced this morning by Ulster Bank. He asked the members to support the motion so that homeowners would be protected.

Members debated the origin of the figures quoted by Councillor Redmond.

Resolved on the proposal of Councillor Redmond, seconded by Councillor Lynch, with 14 members voting in favour and 4 members voting against, the motion was carried.

Resolved on the proposal of Councillor Kennedy, seconded by Councillor Young, standing orders be extended for a further 30 minutes to allow the business of the meeting to continue.

24/0415

Resolution of the Mortgage Crises

The following motion in the name of Councillor Young was considered:

In light of the deepening housing crisis and with the state owning 99% of both AIB and Permanent TSB, in a context of AIB having approximately 25,000 residential mortgages in arrears and Permanent TSB having approximately 10,000 residential mortgages in arrears, that the council calls on the Minister for Finance to cease and desist from selling state shares in these banks because the possibility of their sale is increasing the pressure to improve profits by clearing the banks' books of the mortgages in arrears, because they are unaffordable, thereby increasing the pressure for the banks to repossess family homes and evict families that local authorities will have a responsibility to house but cannot do so; in this context the council calls on the Minister for Finance to make the banks work for society, not the reverse, and to resolve the mortgage crisis by embarking upon a mortgage write-down programme, similar to Norway in 1993, but to reduce repayable mortgages to a level based upon independently assessed and verified ability-to-pay, with the remainder being parked as unsecured debt and written off after five years.

The motion was proposed by Councillor Young and seconded by Councillor Pender.

In proposing the motion, Councillor Young referred to the increasing pressure on those families threatened with eviction. He called on a system to divide the mortgage into what is payable and what is not payable and park the residual for a five year period. Several members questioned the role of Kildare County Council in this motion. Following a debate, the Mayor put the motion to the members.

Resolved on the proposal of Councillor Young, seconded by Councillor Pender, with 7 members voting in favour, 6 members voting against and 8 members abstaining, the motion was carried.

25/0415

Removal of Investor-State Dispute Settlements

The following motion in the name of Councillor Cronin was considered:

That this council calls upon the Government to remove Investor-State Dispute Settlements (ISDS) from the Transatlantic Trade and Investment Partnership (TTIP) negotiations between the EU and the US and ensure that the terms of the agreement cannot breach Irish legislation

The motion was proposed by Councillor Cronin and seconded by Councillor Cussen.

Councillor Cronin said that the Transatlantic Trade and Investment Partnership was an extremely important trade agreement. She said that there was no need for the Investor-State Dispute Settlements and that she had grave concerns around the process. She called on members to research the topic and support the motion. The members debated the issues around the trade agreement, with very strong views on both sides. The Mayor said that this was indeed a very important issue and put the motion to the members.

Resolved on the proposal of Councillor Cronin, seconded by Councillor Cussen, with 9 members voting in favour, 1 member voting against and 8 members abstaining, the motion was carried.

The meeting concluded.

Kildare County Council
Appendix 1 to Minutes of Monthly Meeting held on 27 April 2014
(Minute Number 04/0415 refers)
Schedule of Expenditure as against Allocation – Additional Expenditure 2014

Description	Excess (€)
LA Housing Maintenance, Assessment, Rent	1,362,917
RAS	684,593
Road Upkeep	6,777,154
Traffic Management, Road Safety, Car Parking	134,975
Support to Roads Capital Programme and Miscellaneous	165,456
Support to Water Capital Programme and Miscellaneous	162,563
Development and Promotion	962,068
Community and Enterprise Function	248,367
Unfinished Housing Estates & Building Control	91,034
Heritage, Conservation and Miscellaneous	569,402
Litter Management/Street Cleaning	54,901
Waste Management Regulations & Planning	11,587,090
Burial Grounds	98,596
Safety of Structure and Places	160,830
Fire Services/Fire Prevention	142,951
Pollution Control	824,554
Libraries	441,911
Parks	36,411
Arts Programme	49,006
Veterinary Services	183,300
Rates Collection	590,573
Elections	118,325
Markets/Weighbridges/Property Damage	688
Misc	550,138

