

## KILDARE COUNTY COUNCIL

### Minutes of Monthly Meeting of Kildare County Council

Held at 2.00p.m on Monday, 29 June 2015

at Áras Chill Dara, Devoy Park, Naas, Co Kildare

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

**Apologies:** Councillors F Brett, D Callaghan, J Lawless and J Neville,

**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.

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**01/0615**

### Adoption of minutes

The council considered the minutes of the monthly meeting of 25 May 2015, and the special meeting of 8 June 2015, together with the progress report.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Caldwell, that the minutes of the monthly meeting of 25 May 2015 and the special meeting of 8 June 2015 be adopted and the progress report noted.

### Matters Arising

Councillor O'Loughlin referred to the minutes of the special meeting of 8 June 2015. She stated that it had come to her notice that the Wind Energy guidelines are prevented from being issued and she said that the members agreed that if the guidelines were not being issued that they would need to incorporate requirements into the County Development Plan. The Mayor said that he was

not aware that the guidelines were not being issued and he asked that a letter be sent immediately to the Department of the Environment, Community and Local Government. This proposal was seconded by Councillor McEvoy.

**Resolved** that a letter to be issued to the Department of the Environment, Community and Local Government requesting the immediate issue of the revised Wind Energy Guidelines.

Councillor Cussen stated that the inclusion of the list of vacant houses as part of the Progress Report was not satisfactory. The Mayor proposed that rather than being listed for full council each month that the vacant house list should be dealt with through the Municipal Districts.

**Resolved** that the vacant house list be listed on the Progress report of each Municipal District as a standing item for discussion.

## **02/0615**

### **Disposal of Land**

Councillor Lynch enquired when the review of the Section 183 procedures report would be circulated to the members. The Meetings Administrator informed Councillor Lynch that there would be a report to the members at the July meeting.

To approve disposal of the following land:

#### **94 Calendars Mill, Celbridge - (affordable property)**

The Council considered statutory notice dated 11 June 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of the current value of the rented equity (up to and in line with inflation) at the date of the redemption of the Shared Ownership Loan on the property at 94 Callendars Mill, Celbridge, Co. Kildare.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

#### **0.0230 ha. of land at Thomastown, (acquired for the R402 Enfield to Edenderry Road Improvement Scheme)**

The council considered statutory notice dated 11 June 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of 0.0230 ha of land at Thomastown, Enfield, Co Kildare in accordance with drawing L/1236.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

**0.0933 ha. of land at Thomastown, Enfield (acquired for the R402 Enfield to Edenderry Road Improvement Scheme)**

The council considered statutory notice dated 11 June 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of 0.0933 ha of land at Thomastown, Enfield, Co Kildare in accordance with drawing L/1237.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

**0.0005 ha. of land at Thomastown, Enfield (acquired for the R402 Enfield to Edenderry Road Improvement Scheme)**

The council considered statutory notice dated 11 June 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of 0.0005 ha of land at Thomastown, Enfield, Co Kildare in accordance with drawing L/1238.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

**0.1248 ha. of land at Thomastown, Enfield (acquired for the R402 Enfield to Edenderry Road Improvement Scheme)**

The council considered statutory notice dated 11 June 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of 0.1248 ha of land at Thomastown, Enfield, Co Kildare in accordance with drawing L/1239.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

**1.5213 ha. of land at Jigginstown, Naas to Aldi Stores (Ireland) Ltd (land originally acquired by Naas Town Council under Section 47 Agreement)**

The council considered statutory notice dated 16 June 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of 1.5213 ha of land at Jigginstown, Naas, Co Kildare in accordance with drawing L/1246.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

**Downings North, Prosperous, Naas (Sale of property - redemption of Shared Ownership Loan - circulated March 2015 - amendment)**

The council considered statutory notice dated 10 March 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of the current value of the rented equity (up to and in line with inflation) at the date of the redemption of the shared ownership loan on the property at Downings North, Prosperous, Co Kildare

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

**Renewal of lease of 0.002 ha. of land at Kerdiffstown, (Johnstown Community Council)**

The council considered statutory notice dated 11 June 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to renew the lease of 0.002 ha of land outlined in drawing No. L/995 at Kerdiffstown, Johnstown, Naas, Co. Kildare.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Miley, that pursuant to Section 183 of the Local Government Act 2001, the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

**03/0615**

**Management Report**

The members considered the monthly Management Report.

**Resolved** that the Monthly Management Report be noted.

**04/0615**

**Financial Report**

The Head of Finance, Ms Hanlon, presented the Budgetary Report for the quarter ending 31 March 2015. The report gave a summary at service level and the committed expenditure at 31 March 2015 compared to the adopted budget for each service area. The annual expenditure budget is €136m and at 31 March 2015, approximately €31m has been spent or committed. This amounts to 22% of the overall budget; the income has been in line with expenditure with 23% of the budgeted income also collected or accrued.

**Resolved** that the financial report for the quarter ending 31 March 2015 be noted.

**05/0615**

**Section 85 Agreement**

The members considered report dated 15 June 2015, which had been circulated, recommending that, pursuant to Section 85 of the Local Government Act 2001, approval be given to agreement with Kilkenny County Council for the purpose of essential repairs to Ballyragget Bridge in the N77 in County Kilkenny.

**Resolved on** the proposal of Councillor O'Rourke, seconded by Councillor Doyle, and agreed by all members that, in accordance with Section 85 of the Local Government Act 2001, approval be given to agreement with Kilkenny County Council for the purpose of essential repairs to Ballyragget Bridge, N77, Co Kilkenny.

**06/0615**

**Mayor's Business**

The Mayor asked the members to approve receiving a presentation from the North Kildare Chamber at the July meeting of Council.

**Resolved** On the proposal of Councillor O'Cearuil, seconded by Councillor Caldwell with all members in agreement, the presentation to be included on the July agenda.

The Mayor and members agreed to hold a special meeting in committee on Monday 27 July at 11.30am to discuss the Development Levy scheme

**07/0615**

**Conferences and Training**

The Meetings Administrator referred to report dated 25 June 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 McEvoy, seconded by Councillor Keatley, that members approve attendance at elements of the MacGill Summer School that relate to council business from 19 – 24 July 2015 and the attendance of Councillors Ward, Redmond, Cussen, O'Neill, Kennedy and Dalton at AILG Training in Longford on 13 June 2015 (retrospective approval) and Councillor Crowley at AILG training in Roscommon on 25 June 2015 (retrospective approval).

**08/0615**

**Votes of Sympathy**

Sympathy is extended to:

Mr John McGowan, Water Services on the death of his mother, Mrs. Bridgie McGowan.

The families of the victims of the Berkley tragedy

The families of the victims of the Tunisian tragedy.

Councillor Keatley on the death of his aunt.

**09/0615**

**Additional Gardai**

The following motion from the Naas Municipal District was considered:

That Kildare County Council writes to the Gardai Commissioners Office, stating that given that Kildare has the highest ratio of 1 Garda to 600 persons in Kildare, advise if any of the new recruits that have recently passed out will be assigned to Naas Station and, if not, that we formally request additional personnel for our area given.

The motion was proposed by Councillor O'Neill and seconded by Councillor Moore.

Councillor O'Neill stated that while Naas is specifically mentioned on the motion and it was referred from the Naas Municipal District, the Naas members did not intend to be parochial on this issue. She said that it is a county wide problem and acknowledged that other areas in the county have suffered significantly because of the lack of resources. Members contributed to a discussion

and noted that Naas is the headquarters for the traffic units but that on a positive note, five new recruits have been assigned to Naas and there has been significant investment in the garda fleet.

Councillor McGinley submitted the following amendment to the motion

That Kildare County Council writes to the Gardai Commissioners Office, stating that given that Kildare has the highest ratio of 1 Garda to 600 persons in Kildare, advise if any of the new recruits that have recently passed out will be assigned to all Kildare Stations and, if not, that we formally request additional personnel for our area given. Councillor Scully seconded this amendment.

**Resolved** on the proposal of Councillor McGinley, seconded by Councillor Scully, that a letter be issued to the Garda Commissioners Office in accordance with the amended motion.

## **10/0615**

### **Statistical Data from Planning**

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

That the Council's Planning section provide statistical data on the following for each of the Municipal Districts in County Kildare:

- a) The summary amount of houses in private development schemes above five units that were approved during the years 2012-2013-2014 and to date in 2015
- b) The summary amount of houses in the same approved private development schemes that are presently on appeal to An Bord Pleanala
- c) The summary amount of houses in each of same approved private development schemes that have presented commencement notices
- d) The summary amount of houses in the same approved private development schemes that have been officially recorded as completed.

Councillor Moore proposed the motion and it was seconded by Councillor Kennedy.

A report from Mr Minnock, stated that If the motion is agreed, resources will have to be allocated to this work which will take significant time to assemble. The member may wish to note that the information required can be provided on a county wide basis only - the I-Plan system does not record information broken down into Municipal Districts. Councillor Moore said that he accepted the report and looked forward to receiving the information.

**Resolved** on the proposal of Councillor Moore, seconded by Councillor Kennedy, with all the members in agreement, the report was noted and the Planning Department were asked to report back to Council.

### **11/0615**

#### **Maynooth University Swimming Pool**

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

That the Council allocates €250,000 from the over €500,000 Development Contributions already accumulated for the North Kildare Swimming Pool in order to bring the Maynooth University pool within Health & Safety Guidelines and that the Council takes out a lease on the University Pool until a new Public Swimming Pool has been constructed for North Kildare.

The motion was proposed by Councillor McGinley and seconded by Councillor Byrne.

The Mayor proposed that Councillor O'Cearuil's motion number 19 be considered at this time also.

The following motion in the name of Councillor O'Cearuil was also considered:

That this council engages with Maynooth University in relation to the closure of their swimming pool. It may be in both parties interest to collaborate on a project that would retain the pool.

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

The Mayor asked the Meetings Administrator to refer the members to Standing Order 12 regarding expenditure and the following extract was quoted

“A notice of motion recommending or involving expenditure shall not be considered by the council unless the council has before it at the same time a certificate from the appropriate officer setting out the estimated expenditure which would be involved by the adoption of the motion.”

A report from Mr Minnock stated that the planned closure of the pool in Maynooth University from this autumn is because it is no longer fit for purpose according to University sources. Health and Safety concerns and avoidance of repeat incidents where children presented unwell is the main concern. Before any decision is made to spend any money consideration should be given to:-

- What interim arrangements can be put in place to provide pool time via K Leisure in Naas



- Has a feasibility study been undertaken to establish the value of spending money on a pool that is over 100 years old
- What technical and legal arrangements are needed before public money is then committed.

Councillor McGinley said that the closure of the pool in Maynooth University was devastating news to the local community. He stated that when the President addressed the members last January, he did not inform them of the planned closure of the pool. The north of the county really needs a swimming pool and Councillor McGinley stated that the facility at Maynooth should remain open until an alternative is available.

A lengthy debate on the motion ensued with members supporting entering into negotiations with St Patrick's College, requesting a copy of the backup documentation to the amount of the allocation of €250,000 sought, and cautioning the use of public money on what is essentially a private facility.

Councillor O'Cearuil spoke on his motion and urged the members to support the engagement of the Council with Maynooth University and advocated collaboration on a project to retain the pool. The issue of the provision of a swimming pool in Leixlip was discussed and members expressed concern about the retained funds being spent in Maynooth. Members debated both motions and there was a suggestion to vote on motion 19 rather than motion 12 because of the financial implication referred to in Standing Orders.

The Chief Executive advised members that he understood the sentiment of the motion. It is an objective of Council to provide a swimming pool in North Kildare. However, this is a private facility and as such, there would be serious implications for Kildare County Council to take on its' liability. The Capital Programme has been adopted by the members and it is not possible to transfer €250,000. He advised that the first thing to do was to enter into discussion with St Patrick's College to see what the issues are and he was committed to doing that.

Councillor McGinley responded that he is asking for support for his motion with conditions. If the Council were to take out a lease, the capital funding could be used for the Maynooth University pool.

The Chief Executive advised the members that they cannot vote on motion 12 in its present format because of the implication on the Capital Programme. He stated again that he is prepared to enter into discussions with the President of the college to explore options.

The members debated the merits of both motions and asked that the full facts be established before there was any commitment on expenditure.

Councillor McGinley submitted the following amendment to his motion

Subject to the Chief Executive's investigation that the Council allocates €250,000 from the over €500,000 Development Contributions already accumulated for the North Kildare Swimming Pool in order to bring the Maynooth University pool within Health & Safety Guidelines and that the Council takes out a lease on the University Pool until a new Public Swimming Pool has been constructed for North Kildare.

The amendment was seconded by Councillor Breslin.

**Resolved** with 14 members voting in favour and 15 members voting against the amended motion was defeated.

The Mayor asked for a vote on motion 19 in the name of Councillor O'Cearúil:

That this council engages with Maynooth University in relation to the closure of their swimming pool. It may be in both parties interest to collaborate on a project that would retain the pool.

**Resolved** on the proposal of Councillor O'Cearúil, seconded by Councillor O'Loughlin with all the members in agreement, motion number 19 was carried.

## **12/0615**

### **Presentation on the Regional Waste Management Plan**

Mr Boland, Director of Services, gave the background to the reconfiguration of the regions for the purpose of Waste Management Planning. Following an evaluation of the existing waste plans in line with the EU Waste Framework Directive the local authorities of the three proposed regions agreed to prepare waste plans on the new regional basis and the regions were established as follows:

- The Eastern and Midlands Waste Region
- The Southern Waste Region
- The Connacht Ulster Waste Region

Dublin City Council is the designated lead authority for the Eastern and Midlands Waste Region in accordance with the 'Action Programme for Effective Local Government – A Guide to Putting People First'.

Mr Boland introduced Mr Hugh Coughlan from Dublin City Council to present the Eastern-Midlands region Waste Management Plan 2015 – 2021. Mr Coughlan gave a comprehensive presentation on the structure and content of the plan. The strategic vision of the regional waste plan is to rethink our approach to managing waste, by viewing our waste streams as valuable material resources which can lead to a healthier environment and sustainable commercial opportunities for our economy. That vision is supported by 8 overall objectives which in turn are supported by policy statements. The plan contains three headline performance targets in addition to the mandatory targets which must be achieved over the life of the plan:

1. 1% reduction per annum in the quantity of household waste generated per capita over the period of the plan.
2. Achieve a recycling rate of managed municipal waste by 2020
3. Reduce to 0% the direct disposal of unprocessed residual municipal waste to landfill (from 2016 onwards) in favour of higher value pre-treatment processes and indigenous recovery practices.

Data on generation of household, municipal waste, priority waste and other non-municipal waste has been collated for the plan. The destinations of these waste streams have also been collated and the biggest change is the move away from landfill disposal over the last few years. The increase in the landfill levy has moved residual waste towards thermal recovery solutions in Ireland and abroad. There are 54 policy statements embedded throughout the plan and just over 50% of these statements are targeted directly at the local authority sector and there are 63 actions identified to give effect to the policies described. There will be an annual review of performance under each policy heading conducted by the Regional Waste Management office and an Annual Report will be prepared focusing on the progress of plan implementation across the region.

The Mayor thanked Mr Boland and Mr Coughlan for their presentation and he agreed to take motion number 17 in the name of Councillor Brendan Young at this stage of the meeting.

The following motion in the name of Councillor Young was considered

Kildare County Council considers that the introduction of weighing of domestic recyclable waste at municipal recycling facilities will significantly increase the cost of such facilities due to the required increases in site size to accommodate weigh-bridges or other apparatus, the installation, staffing and operating cost of such apparatus, etc. This will, in all likelihood, lead to significant pay-by-weight charges to be levied on domestic users and act as a disincentive to the use of recycling facilities – probably leading to an increase in fly-tipping and thereby increased clean-up costs to the Council. Kildare County Council calls for a full public review of the regulations that require waste to be weighed at municipal recycling facilities and resolves not to proceed with the installation of weigh-bridges or other weighing apparatus for domestic recyclable waste until the results of this review are published.

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

Councillor Young thanked Mr Boland and Mr Coughlan for the presentation. He said that the implications of the policy change are only now becoming evident. He felt that the plan was lacking in detail and that there was an overarching problem in that there was no incentive to recycle. The private collection companies will decide how to dispose of waste. Fly tipping is an endemic problem which needs to be addressed. Councillor Young called for a full review of the regulations that require waste to be weighed at recycling facilities and to consider not proceeding with the installation of weighbridges or other weighing apparatus for domestic recyclable waste until this review is complete.

The members contributed to discussion and the following issues were raised with Mr Boland and Mr Coughlan

- Target of 1% reduction
- Exporting of waste – where?
- Are there any initiatives to encourage reduction on packaging?
- Is there provision for change in operational hours?
- Cost of weighing – will that be passed to the consumer?
- Was there a submission made on the operational hours?
- Acknowledge the Green Flag initiatives in schools
- The plastic bag levy
- Children educating parents
- Pilot project in Leitrim

- Suggest a pilot project in Kildare – remove all litter bins in one town
- Analogy with Irish Water
- Is there an operational plan to drive the waste reduction at county level? An example of 17,000 plastic bags being taken out of circulation in Clane was cited as a waste reduction initiative.
- Key link with Tidy Towns
- Education and motivation
- Request to the Planning Department to look at design features in apartment blocks catering for waste disposal.
- The role of the council
- Disposal of medical waste

Mr Boland stated that there were broad objectives in the plan in line with the issues raised by the members. A set of Draft Bye-Laws will be presented to the Environmental Services and Water Strategic Policy Committee in September. The Civic Amenity sites both have weighbridges so no significant investment will be required. The incentives to reduce have led to costs coming down and there is scope for savings from a consumer viewpoint. Mr Boland stated that the plan would have benefited from a more comprehensive consultation and the Strategic Policy Committees were not formally consulted. He said that the role of the local authority in the future falls within the following parameters:

- Waste Management Plans
- Enforce and Monitor
- Education

He agreed that the targets will not be achieved without actions at local level and in terms of the 1% there would need to be a focus on education awareness. He said that there will be more transparency with pay by weigh and acknowledged that it is now a private sector role and that sector will have to generate income and recover costs. With regard to packaging, Mr Boland said that there is significant work being done in this area by Repak.

Mr Coughlan said that there is a process for exporting of waste within the plan and that the issue of medical waste is being examined and there will be advice on its disposal over the coming months. The operation times are also under review.

Mr Boland stated that he would inform the Planning Department of the matter regarding the design in apartment blocks and that a special presentation will be made to Tidy Towns organisations as these groups will play a key role in the successful implementation of the plan. He also commended the green flag initiative, the plastic bag pilot scheme and encouraged the development of education programmes for children

**Resolved** on the proposal of Councillor Young, seconded by Councillor Pender, with the members in agreement, the presentation was noted and the motion to be referred to the Environmental Services and Water Strategic Policy Committee.

### **13/0615**

#### **Amenity Grant Scheme**

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

That the council reinstates the amenity grant scheme previously awarded to community groups (other than residents associations) engaged in environmental type activities on public or community lands or alternatively extends the community grant scheme to include such projects. The motion was proposed by Councillor Stafford and seconded by Councillor Durkan.

A report from the Community and Culture section advised the members that this motion will be discussed in the context of Budget 2016 and the members will be advised at the September meetings of the Municipal Districts.

Councillor Stafford stated that the council provides grants under a number of headings and he understood that the Community and Culture Department were liaising with the Environment Department regarding the schemes. He said that in practice some rural areas are excluded under the existing schemes and he asked the members to support the motion to reinstate the amenity grant scheme.

While there was general support for the motion, the issue of the costing was raised. Councillor Stafford said that he did not consider it entirely a budgetary matter and that because there are so many similar schemes, there is confusion and he urged the members to support the reinstatement of the amenity grant scheme.

Mr Minnock said that he understood the spirit of the motion and suggested that the motion be considered by the Local Community and Cultural Strategic Policy Committee and in the context of Budget 2016.

**Resolved** on the proposal of Councillor Stafford, seconded by Councillor Durkan, that this motion be referred to the Local Community and Cultural Strategic Policy Committee and the motion will also be considered in the context of Budget 2016.

#### **14/0615**

#### **Motions referred to Strategic Policy Committees**

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

That this council provides members with a list of all motions referred to SPCs from council for the period June 2014 to May 2015, the list to include the appropriate follow up from SPCs to date.

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

A comprehensive report was circulated to the members listing all the referrals from the Municipal District and full Council meetings to the Strategic Policy Committees.

Councillor Cussen acknowledged the report, but said that there was only one set of minutes on the MembersNet to date. She noted that motions referred from Municipal Districts and full council were only beginning to appear on Strategic Policy Committee agendas and that one or two items from July 2014 had not yet been placed on agendas,

The Meetings Administrator clarified that the Chairs of the Strategic Policy Committees report to the Corporate Policy Group who in turn report to full council.

There was support for the motion with members recalling that in the past the Chairs of the Strategic Policy Committees gave a full report to the members.

**Resolved** on the proposal of Councillor Cussen, seconded by Councillor Redmond, that the Chairs of the Strategic Policy Committees prepare bi-annual reports for full Council.

**15/0615**

**Land Bank**

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

That this council provides the members with details of all green field sites and/or land banks which the council currently own or control within the county and what uses and/or future plans are in place for each site and on-going management of same.

The motion was proposed by Councillor Lynch and seconded by Councillor O'Neill.

A report from Mr O'Sullivan, Director of Services, stated that the Property Interest Register was established to create and maintain a central database of all land-based assets owned by Kildare County Council for financial management purposes and to facilitate the work of the Local Government Auditor. The database now contains over 4,000 GIS maps from Land Registry and over 2,000 text records from section files. This includes land and buildings acquired for all local authority functions including housing, roads, amenity etc. It is not feasible to print a report containing all of this data. The Property Interest Register is the first point of contact for queries on land-based assets so, if you wish to submit a specific query on a particular site or area, a member of the team would be happy to assist you (contact details below). It should be noted that the Property Interest Register team does not manage Kildare County Council's portfolio of land-based assets. Decisions on the use, development and/or disposal of individual sites, property and day to day management issues rest with the acquiring sections and when required these decisions are managed through the statutory processes e.g. part 8 and section 183 disposals which come before full Council.

Councillor Lynch thanked Mr O'Sullivan for the report and said that he was satisfied with it.

**Resolved** on the proposal of Councillor Lynch, seconded by Councillor O'Neill, that the report be noted.

**16/0615**

**Energy Production and Conservation**

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

That this council endeavours that all social housing building projects within the county are built with not just energy conservation but with energy production in mind, including water harvesting,



geothermal energy collection in public green spaces and PV solar energy collection on suitable positioned roofs.

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

A report from the Senior Architect stated that the current building regulations govern the requirements in relation to renewable energy and in general, an element of renewable energy is required to meet current energy efficiency standards for new housing. Kildare County Council strives to meet current standards using 'passive' means where possible i.e. means that do not require ongoing maintenance, replacement, servicing, or input from tenants. This is achieved through enhanced insulation, efficient boilers, air tightness, window and door standards etc, and a reduced reliance on 'active' means such as Solar/PV panels or geothermal. Kildare County Council has done research in relation to the possibility of substituting conventional boilers with air to water heat pumps for primary heating and this is being considered for new housing. It is not clear how electrical energy generated through the provision of domestic PV panels in social housing can be redirected to provide power for other measures such as public lighting but this can be investigated. The use of water harvesting can be considered for new housing but consideration also needs to be given to the initial capital costs, lifetime costs such as ongoing maintenance and replacement, and also in relation to any health risks presented by the introduction of wide scale water harvesting systems.

Councillor Cronin stated that there was a serious need for social and affordable housing in Kildare. She acknowledged that the report was a step forward but she did not agree with the statement regarding the health risks which may be presented by the introduction of wide scale water harvesting systems. She spoke about the need to reduce overall carbon emissions and the advantages of Solar PV and geothermal energy collection.

The members discussed the motion and while many supported it, there was disagreement with the specifics regarding Solar PV and geothermal with regard to cost effectiveness and energy efficiency. All housing schemes, private and public should have the same requirements in relation to energy efficiency.

Mr McDonnell stated that most social housing will be funded through the Department of the Environment, Community and Local Government. The social housing guidelines govern such

development and the Department issue individual approvals at the end of a lengthy process from project inception to design and construct on the basis of cost plans prepared by professional Quantity Surveyors and submissions from the Council's Architectural Department.

**Resolved** on the proposal of Councillor Cronin, seconded by Councillor Redmond, that this motion be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee.

### **17/0615**

#### **Duty of Care**

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

That the Council develop a protocol, as part of its duty of care as a planning authority, to protect people - who buy homes and pay property taxes within our local authority area- from unscrupulous developers with poor compliance records. For example, the Council could seek a reference from the proposer and/or the proposed building contractor, wherever practicable, from any local authority in which the proposer/proposed building contractor have built previously.

The motion was proposed by Councillor McLoughlin-Healy and seconded by Councillor Durkan.

A report on the motion from the Planning Department stated that the council would not necessarily know if an applicant for planning permission had sought or received planning permission for developments in other local authorities. It cannot request that such references are provided in cases where it has hearsay knowledge of the fact that the applicant had obtained planning permission in other local authority areas and not request it in cases where it does not have such hearsay knowledge. The provision of such references could not influence decisions made by the council on applications before it. The council undertakes its planning related duties in a quasi-judicial manner and must treat all its applicants for permission in an even handed manner. As there is no statutory requirement in place to request such references, the council does not have a legal basis for seeking same and an applicant is under no obligation to provide same.

Councillor McLoughlin-Healy said that she was not satisfied with the response. To put it in context, she referred to the fire at Millfield Manor. She said that she has submitted multiple motions and questions regarding the level of enforcement in Kildare. Section 35 or summary prosecutions have never been used in Kildare. A database of developers (Section 7 of the Act) who have not been compliant should be shared with other counties so that developers cannot move freely from one county to another. Councillor McLoughlin-Healy said that she had contacted the Data

Protection Officer and had been informed that the information can be shared when it is a company and not an individual.

There was a discussion on the motion and while other members agreed with the spirit of the motion and the fact that there needs to be consequences for non-compliance, it was pointed out that Kildare County Council does not have the legislative powers to bring this in.

Mr Minnock referred to the report in relation to this motion and also the report in relation to motion 21 from Councillor Crowley. He said that that the Planning Authority can only act when it has the legal power to do so. There is a Building Control Management system, but that is only in force since 1 March 2014. There have been very few commencements since that date. The process can be reviewed, but it is important to note that we are in the very early stages of a new statutory process.

Councillor O'Neill proposed the following amendment to the motion

That this council write to the government to ask for more legislative powers on regulation and certification on building developments in order to protect people who buy homes and pay property taxes within our local authority area from unscrupulous developers with poor compliance records. This amendment was seconded by Councillor Redmond.

**Resolved** On the proposal of Councillor O'Neill, seconded by Councillor Redmond, with 13 members voting in favour, 11 members voting against and 3 members abstaining, the amended motion was passed.

## 18/0615

### Building Control Enforcement

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

In the light of recent tragedies and revelations of deficiencies in Building Control Regulations as evidence in Kildare and other areas of the country, this Council requests Minister Kelly and the DoEHLG to amend the 1990 Act which covers Building Controls to ensure that the system of building control enforcement are substantially improved to provide a considerable increase in the levels of inspections and to revise the system of certification to conform more closely to international best practice. This Council demands that a true system of self-certification wherein every contractor and sub-contractor would provide certificates that their work was completed in conformance with current regulations, and providing the basis for the issuance of a Certificate of

Compliance for every new dwelling as is the case in Northern Ireland and throughout Europe and that the present, inspection targets on the part of building control authorities which require inspections of up to 15% of new dwellings be increase to 100%.

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

A comprehensive report from the Planning Department stated that in response to the first part of the motion, 'a true system of self certification' has been in place for developments that commenced on foot of commencement notices that were submitted after the 1<sup>st</sup> March 2014. SI 09/2014 applies to commencement notices submitted after this date. The new Building Control Regulations apply to the following class of development:

- the design and construction of a new dwelling.
- an extension to a dwelling involving a total floor area greater than 40 square metres.
- Works to which Part III applies (require a Fire Safety Certificate).

The Certificate of compliance on completion must be in place before a building can be opened, occupied or used.

A number of the characteristics of the Scottish System have been incorporated into the new Building Control Regulation system. This is based on Approved Certificates of Compliance Design (Design Stage) and Approved Certificates of Construction (on completion of works). These Certificates are provided by competent professionals. Essentially this is a self certification system that is subject to audit and enforcement. The report recommended 'a true system of self regulation'.

In light of this, it is considered that Building Control authorities are unlikely to be resourced to undertake multiple inspections of 100% of buildings under construction as suggested in the notice of motion. The members will be aware that sanction for additional resources is required from the Department of the Environment, Community and Local Government.

Councillor Crowley informed the members that he had circulated a paper to them which was in line with an interview that he had given to KFM. He stated that the new guidelines do not prevent rogue builders getting their own people to sign off on completions. Councillor Crowley said that he had examined SI 09/2014 and in his opinion there was nothing in that document to prevent another Millfield Manor. He accepted that resources were an issue, but he stated that there was a

moral obligation on Kildare County Council to inspect all developments. Members contributed to a discussion on the motion, citing the recent tragedy in California, poor standards in the past and how to prevent tragedy in the future.

Mr Minnock said that the report that was circulated from his department gave a good sense that the new regulations will close the gaps and deal with the concerns in a significant way. He said that there would be significant resource and cost issues for Kildare County Council if any greater inspection regime were to be introduced other than that outlined in the report.

Councillor Crowley called on the members to support his motion and call on the Minister to put the resources in place.

**Resolved** on the proposal of Councillor Crowley, seconded by Councillor Young, with all the members in agreement, it was agreed to write to the Minister in accordance with the motion.

## **19/0615**

### **Strategy Towards Sustainable Transport**

The following motion in the names of Councillors McEvoy, Kennedy, Murray and Larkin was considered:

That Kildare County Council provide, for the years from 2009 for County Kildare:

- (a) summary table of the Annual Bicycle Count,
- (b) an inventory of cycle lane development, and
- (c) an outline of proposed cycle lane development,

to inform strategies for the shift towards more sustainable transport modes for the quality of life of citizens in Kildare.

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

A comprehensive report from the Roads and Transportation and Public Safety Section was circulated to the members providing the information requested.

Councillor McEvoy thanked Mr Duff for the report and noted the recent launch of the Blueway in Naas. He said that there was an appetite for cycle tourism in the county and welcomed the response of the Council in this area. There was a short discussion with members noting the report and welcoming the positive response.

**Resolved** on the proposal of Councillor McEvoy, seconded by Councillor Kennedy. that the report be noted.

**20/0615**

**Midlands Regional Hospital**

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

That this council write to the Minister for Health to state its concern for the future of the Midland Regional Hospital Portlaoise 24 hour service Emergency Department and the current problems with Naas General Hospital Emergency Department.

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

Councillor Redmond referred to the statement made by the HSE on 3 June 2015 and stated that it was of the utmost importance that the members of Kildare County Council voice their concerns. Councillor Redmond congratulated the staff of Portlaoise Hospital for their hard work and dedication and sought support for the motion. Members contributed to a discussion in support of the motion and noted that the fact that circa 500 people attended meetings in the south of the county was an indication of the grave public concern regarding this issue.

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

**21/0615**

**Affordable and Accessible model of childcare**

The following motion in the name of Councillor O'Neill was considered:

That this council calls on the Tánaiste Joan Burton to fulfil her commitment to deliver an affordable and accessible Scandinavian model of childcare, which will encourage and enable women to participate in education or return to the labour market.

The motion was proposed by Councillor O'Neill and seconded by Councillor Cronin.

Councillor O'Neill asked the members for their support for this motion. While it was not an issue that members have direct control over, she said that childcare is a huge issue for her constituents and she urged the members to support her motion.

**Resolved** on the proposal of Councillor O'Neill, seconded by Councillor Cronin, with all the members in agreement, the motion was carried.

**22/0615**

**Cuts to One Parent Family Payments**

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

That Kildare County Council condemn the proposed cuts to one parent family payments and calls on the Minister for Social Protection to abandon the plan to lower the cut off age for eligibility to seven.

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

Councillor Pender said that lone parents in Kildare are experiencing losses of up to €140 per week. These cuts are impacting those parents who are working. She said that the measures will force families into homelessness and it is an unfathomable anti woman measure.

Several members contributed to a discussion in support of the motion, citing the hardships that the cuts were having on a vulnerable sector of society who were not responsible for the crash.

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

The Mayor reminded members that the next meeting is on Monday 27 July at 11.30am.

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The meeting concluded.