

KILDARE COUNTY COUNCIL
Minutes of meeting of Council
held at 2:00 p.m.
Monday 27 January 2020
Áras Chill Dara, Devoy Park, Naas, Co Kildare.

Members Present: Councillor S Doyle (Cathaoirleach), Councillors A Breen, V Behan, A Breslin, F Brett, B Caldwell, B Clear, M Coleman, Í Cussen, B Dooley, K Duffy, T Durkan, A Farrelly, A Feeney, D Fitzpatrick, C Galvin, N Heavey, N Killeen, V Liston, N Ó' Cearuíl, V P Martin, P McEvoy, F McLoughlin Healy, J Neville, P O'Dwyer, T O'Dwyer, C Pender, R Power, E Sammon, P Ryan, M Stafford, M Wall, P Ward, B Weld and B Wyse.

Apologies: Councillors A Connolly, P Hamilton, I Keatley, C Kelly and S Moore.

Also Present: Mr P Carey, Chief Executive, Messrs J Boland, T McDonnell, E Ryan (Directors of Service), Ms A Aspell and Ms S Kavanagh (Directors of Service), Ms F Millane A/Head of Finance, Ms C O'Grady (Meetings Administrator) Ms K Keane (Meetings Secretary) and other officials.

01/0120

Vote of Sympathy

The Cathaoirleach welcomed the members to the meeting and extended her sympathy to the family of the late:

Carmel Maguire, Mother of Bridget McNally, Finance.

Mrs Moses, mother of Edmore Moses, Transportation Services.

John McMahon, father of Michelle McMahon, Canteen facility.

Thomas (Tommy) Dowling, Brother of Carmel Hutchinson, Athy Library.

Agnes Moore, wife of Councillor Seamie Moore

Cliff Casey, Father of Triona Casey, Roads Design.

Elizabeth (Betty) Maher, Mother of Eamonn Maher, Maynooth Area Office.

Ned Delmer, Father of Noreen Slevin, Planning.

Elizabeth Wright, Mother of Evelyn Wright, Housing.

A minute's silence was observed.

02/0120

Adoption of Minutes

The council considered the minutes of the budget meeting on 18 November 2019, the minutes of the monthly meeting on 16 December 2019, the minutes of the special planning meeting on 16 December 2019 together with the progress report.

Resolved on the proposal of Councillor Ó'Ceairúil, seconded by Councillor Wall and agreed by the members present, that the minutes of the budget meeting on 18 November 2019 be adopted.

Resolved on the proposal of Councillor Brett, seconded by Councillor Breen and agreed by the members present, that the minutes of the monthly meeting on 16 December 2019 be adopted.

Resolved on the proposal of Councillor Clear, seconded by Councillor McEvoy and agreed by the members present, that the minutes of the special planning meeting on 16 December 2019 be adopted. The progress report was noted.

03/0120

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

Resolved with the agreement of the members the Chief Executive's monthly management report was noted.

04/0120

Section 183 Notices for Lease of Lands

The members considered the following Section 183 Notice pursuant to Section 183 of the Local Government Act, as amended:

- i. Disposal of land at Devoy Park, Naas to County Kildare Community Network Company CLG.

Resolved on the proposal of Councillor Liston, seconded by Councillor Ward and agreed by the members present, pursuant to Section 183 of the Local Government Act 2001 as amended, that the council consents to the disposal of the lands at i) above in accordance with the statutory notices circulated on 10 January 2020.

05/0120

Committees of the Council – Appointment to Strategic Policy Committees

The Cathaoirleach proposed that this item be deferred to the February full council meeting given the potential for further changes following the general election on the 8 February.

Resolved with the agreement of the members, that this item be deferred to the February meeting of full council.

06/0120

Appointment of external nominees to the Strategic Policy Committees

The Cathaoirleach proposed that this item be deferred to the February full council meeting given the potential for further changes following the general election on the 8 February.

Resolved with the agreement of the members, that this item be deferred to the February meeting of full council.

07/0120

Gnó an Chathaoirleach/Chairs Business

Councillor Doyle stated she was happy to confirm that 200 jobs had recently been announced by Odessey BC, an intellectual security company based in Sallins which had grown from 10 jobs to the current 200 and congratulated them on their success. The Cathaoirleach also acknowledged the work done by LEO.

08/0120

Comhfhreagras/Correspondence

The Meetings Administrator confirmed three items of correspondence had been received and circulated to the members, with the progress report.

09/0120

Comhdhálacha agus Traenáil/Conferences and Training

The Meetings Administrator confirmed there were 4 requests for conference and training approval this month.

Resolved and agreed by the members present having regard to Section 142(5) of the Local Government Act 2001, as amended by Section 53(2) of the Local Government Reform Act 2014 that the following approval was granted for the attendance of Councillor B Clear and Councillor P O'Dwyer, IPI Planning Seminar, Redcow Hotel , Dublin, 28 January, Councillor V Liston, IPI

Planning Seminar, The Strand Hotel, Limerick, 4 February, Councillor P Ryan, AILG Module 2 Training Midlands & Eastern Region, Hotel Kilmore, Dublin Road, Cavan ,13 February ,Councillor B Clear, AILG Module 2 Training Southern Region, Dooley/s Hotel, The Quay ,Waterford, 15 February.

10/0120

Traffic implications for Clane regarding Sallins Bypass link to the N7

The following motion from the Clane-Maynooth Municipal District Committee was considered.

That the council assess the traffic implications for Clane with the anticipated opening of the Sallins Bypass link to the N7, and the number of Strategic Housing Developments (SHDs) with higher-density, car-dependent elements being proposed at peripheral areas around the town.

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

A report was received from the Roads Transportation and Public Safety Department informing the members that at their January meeting, the members of the Clane-Maynooth Municipal District Committee resolved to refer this motion to full council.

The proposal will be added to the list of projects to be considered by the Roads Design Section. Prioritisation of projects will be examined, in association with the Planning Department. A recent approval for staffing will allow the recruitment of staff to work on this and other traffic projects.

Mr McDonnell confirmed there was no certainty on timelines and confirmed the next section of the relief road was within lands that have been acquired by a developer but that discussions would continue. A discussion took place on the potential for further traffic build up at Alexandra Bridge once the by-pass was complete and the fact that this bridge was an old structure and if damaged, would have the potential to cause serious problems.

Mr McDonnell confirmed he would bring the members concerns back to the Department and make arrangements to attend the March meeting of the Clane-Maynooth Municipal District to further discuss the matter with the members.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Ward and agreed by the members present that the report be noted and the Director of Service to bring the members

concerns back to the Department and update the members of the Clane-Maynooth Municipal District further at their March meeting.

11/0120

Gender balance on committees and subcommittees

The following adjourned motion in the name of Councillor Feeney was considered.

That the council carries out a review of its policies, procedures and practices to ensure that membership and representation on all of its committees and sub-committees has regard to gender balance.

The motion was proposed by Councillor Feeney and seconded by Councillor Doyle.

A report was received from the Corporate Services Department informing the members that circular LG02/2019 Appendix 4 refers to the issue of improved gender balance in the appointment to committees. The Local Government Act 2001, paragraph 19 (1) of Schedule 10 requires a local authority to seek to promote the objectives of an appropriate gender balance in the making of appointments to its own committees and other bodies. The objective of successive governments has been to work towards a minimum target of 40% female representation on state appointed boards/agencies/committees etc. Members will be aware of specific requirements regarding gender balance to certain committees/other bodies ie. KWETB.

Following discussion, it was agreed that the motion be referred to the Protocol and Procedures Committee.

Resolved on the proposal of Councillor Feeney, seconded by Councillor Doyle and agreed by all members that the motion be referred to the Protocol and Procedures Committee.

12/0120

County Kildare Access Network

The following adjourned motion in the names of Councillors Clear, Coleman, Cussen, Kelly and Peggy O'Dwyer was considered.

That the council support the County Kildare Access Network's (CKAN) objective to consider universal accessibility as part of the application process when applying for a Kildare County Council grant.

The motion was proposed by Councillor Clear and seconded by Councillor Doyle.

A report was received from the Economic Development, Community and Culture Department informing the members that the objective of this motion was laudable and deserved support but the consequence of adopting such a motion needed to be considered carefully. The review of the eligibility criteria for all Kildare County Council grants to take into account this objective would result in the availability of these grants being deferred until later in the year. In 2019 most Kildare County Council grants (administered through the Community Department) had a closing date of the 12 March. A review of the eligibility criteria would ideally need to be overseen and agreed by an SPC. It would also need input from the Access Officer or County Kildare Access Network. The number of grants involved, and which grants would be affected, would also need to be clarified. I would suggest that this work can be undertaken but that this process should not hold up the allocation of grants in 2020 and in this regard I would ask the members to exercise caution around adopting this motion as it stands presently.

Following discussion where it was noted that the Shopfront grant scheme already incentivises accessibility grant application, it was agreed that this motion would be considered when preparing the 2021 grant application forms.

Resolved on the proposal of Councillor Clear, seconded by Councillor Doyle and agreed by all members that the report be noted, and the motion be considered when preparing the 2021 grant application forms.

13/0120

Youth Homeless Strategy

The following adjourned motion in the name of Councillor Farrelly was considered.

That the council commits to implementing a Youth Homeless Strategy given the number of young people aged 18-24 entering homelessness has increased by 109% since 2014. This Strategy would seek to develop a suite of measures to prevent youth homelessness, as well as the provision of needs-based services provided to those at risk or who have become homeless, LGBTQ+ friendly and include a guarantee that young people who leave state care have a secure home.

The motion was proposed by Councillor Farrelly and seconded by Councillor Doyle.

A report was received from the Housing Department informing the members that the Kildare County Council's Housing Department through its work within existing structures, the Mid-East Region Homelessness Consultative Forum and Management Group, the Aftercare Steering Committee and through its involvement with Tusla, the HSE and Approved Housing Bodies (AHB'S) implement the aims of the Mid East Region Homelessness Action Plan 2018-2020 as approved by the members. Key themes of the plan include:

- Homeless prevention, tenancy sustainment, families with child dependents in emergency accommodation or supported temporary accommodation; and
- Support and advice to young people leaving state care in relation to accommodation needs.

The Aftercare Steering Committee, chaired by Tusla, meet to identify individuals leaving care and to work with members of the Committee in securing accommodation for these housing applicants. The provision of a Housing First Service has also been implemented in the Mid-East Region from 1 October 2019 with the first tenant expected to be placed in accommodation prior to year-end in each of the three counties, which will further support individuals experiencing homelessness.

Three Tenancy Sustainment Officers also work within the Homeless Team to prevent tenancy break-down and to support tenants in danger of experiencing homelessness. A Homeless HAP Placefinder was appointed in 2018 and supports individuals and families who are in emergency accommodation or at risk of losing their accommodation and assists with their attempts to secure Housing Assistance Payment (HAP) accommodation.

Councillor Farrelly acknowledged the work being done but stated that the plan does not specifically deal with youth homeless and that early intervention was so important. Ms Aspell confirmed that youth homeless is one of the themes of the current action plan and that Tusla play a big part in the overall process confirming that the council also sits on their steering group.

Resolved on the proposal of Councillor Farrelly, seconded by Councillor Doyle and agreed by all members that the report be noted, and the motion be listed on the agenda for the first Housing SPC meeting in 2020.

14/0120

Quarries in Kildare

The following adjourned motion in the name of Councillor Liston was considered.

That the council outline the lessons learned and new measures put in place to prevent and promptly shut down illegal quarries in Kildare and remediate their environmental impacts.

The motion was proposed by Councillor Liston and seconded by Councillor Doyle.

A report was received from the Planning and Strategic Development Department informing the members that all complaints received concerning alleged illegal quarry activities must be investigated under existing legislation and legal cases must be evidenced based. Such cases need to satisfy our courts as to whether or not the activities complained of are, in fact, unauthorised and reliable, expert evidence must be collated and produced in court. All cases listed for hearing before the courts are placed on a hearings list and are subject to availability of judges and courtrooms. Unfortunately, such investigations can be slow moving, and the council does not have the power or the capacity to promptly shut down any unauthorised development or unauthorised quarry.

With regard to the remediation of environmental impacts, this can prove to be extremely expensive to the taxpayer and to the council. The council makes every effort to ensure that remediation costs are attached to court decisions which the council wins but the realisation of such costs can be dependent upon the financial assets/circumstances of the developer.

Based on all the above, the council does and will continue to examine how best to advance its investigations but, under current legislation, there is no quick fix available to the council to allow it to shut down alleged illegal quarries even where it can prove that such quarries are, in fact, illegal.

Resolved on the proposal of Councillor Liston, seconded by Councillor Doyle and agreed by all members that the report be noted.

15/0120

Planning Permission Condition

The following adjourned motion in the name of Councillor Sammon was considered.

That the condition be written into planning permissions to be granted that no more than 20% of any housing development in County Kildare can be sold to an investment fund/'cuckoo' fund and

that all submissions from the council to An Bord Pleanála on Strategic Housing Developments (SHD's) include the same.

The motion was proposed by Councillor Sammon and seconded by Councillor Doyle.

A report was received from the Planning and Strategic Development Department informing the members that the Planning Authority considers all planning applications in accordance with the Planning and Development Act 2000 (as amended), the Planning and Development Regulations, 2001 (as amended) and Development Management guidelines as issued by the Minister for Housing, Planning and Local Government. The Planning Authority can only impose conditions relevant to the proper planning and sustainable development of the area. As the law stands, the imposition of such a condition on any applicant would be ultra vires.

Resolved on the proposal of Councillor Sammon, seconded by Councillor Doyle and agreed by all members that the report be noted.

16/0120

Children in Emergency Accommodation

The following adjourned motion in the names of Councillors Hamilton and Martin was considered. That the elected members request Kildare County Council to outline its policies (including emergency response policy) to protect and prioritise the safety, health and well-being of children in emergency accommodation and to give an outline of the current and projected budgetary expenditure allotted in respect of same.

The motion was proposed by Councillor Hamilton and seconded by Councillor Doyle.

A report was received from the Housing and Corporate Services Department informing the members that guided by national policy and procedures, Kildare County Council's Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, Children First: National Guidance for the Protection and Welfare of Children (2017), and Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice. The local authority has an overall corporate duty and responsibility to safeguard the children accessing the local authority services and activities. The council is committed to the following procedures which support its intention to safeguard children while they are availing of council services:

- Ensuring safe management procedures are in place for all staff and volunteers including: robust recruitment, selection, supervision and support procedures;
- Developing guidance and procedures and implementation of corporate procedures for staff and volunteers who may have reasonable grounds for concern about the possible abuse or neglect of a child involved in the services or activities of the local authority;
- Implementing agreed corporate procedures for responding to accidents and complaints; Maintaining clear record keeping procedures, as agreed corporately;
- Developing a policy of interagency co-operation with Tusla and other agencies involved in the protection of a child, as it relates to the housing function.

While child safety is a parental responsibility in the first instance, the council's Homeless Services Team, inclusive of social workers, are engaging with Tusla with reference to private homeless providers (B&Bs, hotels etc.) and Approved Housing Body (i.e. The Peter McVerry Trust) with regard to child safety.

The National Childcare Scheme 2019, which is an agreement with local authorities and the Minister for Children and Youth Affairs, is being introduced in County Kildare whereby referrals for children experiencing homelessness are made to the Scheme Administrator who in turn provides funding for childcare services for a child. This agreement is governed by Section 14 of the Childcare Support Act 2018 which permits the Minister to enter into such an agreement with local authorities. In 2019, to date, current homeless expenditure is € 1.98 million.

Resolved on the proposal of Councillor Hamilton, seconded by Councillor Doyle and agreed by all members that the report be noted.

17/0120

Taking in Charge of Estates 2020

The following adjourned motion in the names of Councillors Brett, Duffy, Durkan, Keatley, Tracey O'Dwyer, Weld and Wyse was considered.

That the council prioritise the taking in charge of estates in 2020 and provide a list of estates that have asked to be taken in charge under a Section 180 request.

The motion was proposed by Councillor Duffy and seconded by Councillor Weld.

A report was received from the Roads Transportation and Public Safety Department informing the members that the Development Control Section will make every effort to progress estates to the point where they can recommend to members that they be Taken in Charge. However, the Development Control Section has to balance this work against the backdrop of the fact that they currently have 84 sites with live housing construction, 36 sites where units are complete, but snags are not complete, and a further 19 developments where they are carrying out an ongoing monitoring function. Many of the housing developments sites which are currently under construction are delivering large numbers of residential units. Live construction sites are the council's priority to ensure that the work which is currently ongoing is to the required standard to enable the Taking in Charge process to progress smoothly once the estate is complete.

To date the council have received 46 Section 180 requests, some of which are not valid requests (e.g. they are not from the majority of homeowners). Many of these estates have issues which need to be addressed to get them to a standard where the council can recommend that they could be Taken in Charge. In some cases, the council need to agree site resolution plans with Irish Water and then find funding to progress these plans.

The council plan to bring a list of estates to be progressed to Taking in Charge next year to each of the municipal district meetings in early 2020. The Development Control Section will also continue to work with members and other stakeholders to progress the more complex estates.

Following discussion, the members stated more progress was needed in this area and asked if the list that had been circulated was up to date and whether details in relation to bonds could be included, as had been included in previous reports.

Mr McDonnell stated that he understood the members concerns but that it was important that the council did not take on liabilities it was not required to. He stated that in the main, bonds rolled over but would check if the information requested relating to bonds could be included in the report and whether a standalone record was kept in relation to the expiry date of bonds. He also confirmed the Chief Fire Officer would be attending either the February or March meetings of the municipal districts to update them.

Resolved on the proposal of Councillor Duffy, seconded by Councillor Weld and agreed by all members that the report be noted and that clarification would issue in relation to the list that was

circulated, details of bonds to be included in the report and whether a standalone record was kept in relation to the expiry date of bonds.

18/0120

Quarry related issues highlighted by RTÉ

The following adjourned motion in the name of Councillor McLoughlin Healy was considered. That the council provide details of its response to the ongoing quarry related issues in Kildare as highlighted in the recent RTÉ Prime Time Investigates report.

The motion was proposed by Councillor McLoughlin Healy and seconded by Councillor Doyle. A report was received from the Planning and Strategic Development Department informing the members that the quarry identified in the RTE Prime Time Investigate Report in Ballysax is closed following successful High Court action by this council. The council is currently pursuing its significant legal and administrative costs against the respondents.

Resolved on the proposal of Councillor McLoughlin Healy, seconded by Councillor Doyle and agreed by all members that the report be noted.

19/0120

Air and Water Monitoring in Kildare

The Cathaoirleach sought the members approval to take items 18 and 26 on the agenda together. The members agreed.

The following adjourned motion in the name of Councillor Killeen was considered. That the council provide a report for 2019 on the air and river quality monitoring in county Kildare detailing the location of the monitoring stations, the frequency of which data is collected and reports on the water and air quality.

The motion was proposed by Councillor Killeen and seconded by Councillor Liston.

The following motion in the name of Councillors Hamilton and Martin was considered. That the council develop an urgent plan for air quality monitoring in urban and commuter areas during 2020, working in collaboration with the EPA and other agencies where relevant, taking account of the serious levels experienced during November and December 2019.

The motion was proposed by Councillor Hamilton and seconded by Councillor Doyle.

A report was received from the Water Services and Environment Department informing the members of the following:

Air

The National Ambient Air Quality Monitoring Programme, developed by the EPA and assisted by the HSE and Kildare County Council, involved the installation of air quality monitoring stations in 2019;

Celbridge & Leixlip

These monitor particulate matter [PM2.5 and PM10] - such are very small solid or liquid particles with a number to show how small it is; for example, PM1 is much smaller than PM10. Some PM occur naturally such as sea salt and pollen, but many are man-made. Sources of PM include solid fuel burning, domestic boilers, vehicle exhaust fumes as well as industrial emissions.

The data from the monitoring stations is automatically collected and transmitted to the EPA and uploaded for public viewing on its website on the following link:

<http://www.epa.ie/air/quality/localairqualitydata/>

As part of the National Monitoring Network, the EPA plan to install two additional stations in 2020 at the following locations:

Leixlip and Naas

These will be capable of monitoring finer dust particles, PM1, PM2.5 and PM4.

By way of general comment, air quality in County Kildare is generally good and, as per data obtained from the monitoring complies with relevant standards. Again the data is publicly available though Newbridge station is temporarily out of action for calibration purposes. As suggested in motion No 26, there does tend to be somewhat of a decline though in the late Autumn/early Winter period. This is generally the trend nationally and is mainly associated with the lighting of domestic fires. Some possible ameliorative measures to be considered in this regard might include the following:

Extension of monitor stations (as proposed)

Possibly extending the 'low smoke zones' which currently relate to the following areas

Newbridge (incl Athgarvan)

Naas/Sallins

Maynooth/Celbridge/Leixlip

Refer to [https://www.dccae.gov.ie/documents/SCB%20Maynooth_Celbridge_Leixlip%20Map.pdf]

Education and awareness; particularly in relation to the climate action and energy efficiency agenda (further guidance can be posted in the Council's web-site)

Water

The water monitoring network was developed by the Environmental Protection Agency in order to support the actions of the Water Framework Directive. The following regime applies

Surveillances sites are sampled monthly

Operational sites are sampled a minimum of 5 times a year

Fresh water fish sites (Boyne only) are sampled monthly

Details of the 48 locations of river sampling stations had been previously circulated.

Each local authority is responsible for the collection and delivery of samples to accredited laboratories, while scheduling of this work is agreed with the EPA before the sampling year commences. The EPA is responsible for administering the data and publishing reports on water quality. All information is available on <https://www.epa.ie/water/wm/rivers/>

By way of general comment, river/surface water quality in Kildare is generally moderate/good though there are a few water bodies which vary between moderate and poor e.g., the Slate, Tully and Clonsambo/Lyreen. These have been prioritised for action as per the 'Programme of Measures' associated with the current round of river basin management plans. Issues tend to arise mainly from the following sources: agricultural, domestic septic tanks, urban waste water systems, as well as industrial sources and hydromorphology (channelisation) These is a close liaison with Local Authorities Water and Communities Office (LAWCO) as well as the Environmental Protection Agency. This is very much a priority area and work remains ongoing. Ground water sources are generally good and a report on 48 Locations of River Sampling Stations was attached.

Following discussion, the following points were made:

- No data had been included in relation to halo-methanes
- The council should start implementing the school streets initiative as improvements of 20% had been measured in air quality in areas that had introduced such initiatives.
- Communities themselves are taking localised action by installing localised monitors

- Information from Air monitors should be shared with the public
- Information sharing in this area should be accelerated.

Mr Boland undertook to resend the report to include the data related to halo-methanes, further research would be done on the referred to THN's and the school streets initiative in Fingal County Council and circulated to the members.

Resolved on the proposal of Councillor Killeen, seconded by Councillor Doyle and agreed by all members that the report be noted and further research would be done on the referred to THN's and the school streets initiative in Fingal County Council and circulated to the members.

20/0120

Noise Action Plan

The following motion in the name of Councillor Peggy O'Dwyer was considered.

That following the recent launch of Kildare County Council's Third Noise Action Plan 2019-2023, the council confirms what action is planned to implement the findings where noise reduction measures are identified regarding technical and funding resources.

The motion was proposed by Councillor Peggy O'Dwyer and seconded by Councillor Doyle.

A report was received from the Roads Transportation and Public Safety Department informing the members that Kildare County Council have set out the actions to be taken in the Action Plan. These are primarily relating to the development of planning policy and planning conditions to reduce and hopefully prevent the siting of sensitive receptors in areas of high and potentially high noise levels. The plan notes that the overall number of people in Kildare that are affected by high noise levels is very low. In many of these cases, the noise emits from the motorway network and the resolution will require the significant structures adjacent to the road carriageway. This will require the co-operation of TII and probably Central Government funding. To commence this work now would require the diversion of resources from critical projects and the more immediate goal of developing planning policy and planning conditions. As resources become available, we will address projects including the development of specific noise reduction schemes in a prioritised way.

Resolved on the proposal of Councillor Peggy O'Dwyer, seconded by Councillor Doyle and agreed by all members that the report be noted.

21/0120

Naming of New Residential Developments

The following motion in the name of Councillor Wyse was considered.

That the policy document entitled 'Naming of New Residential Developments' be amended to add a requirement that the name of a new residential development must be approved by the elected members of the municipal district wherein that development is located.

The motion was proposed by Councillor Wyse and seconded by Councillor Doyle.

A report was received from the Planning and Strategic Development Department informing the members that the policy document on the naming of new residential developments was agreed by the members of the Economic Development, Enterprise and Planning Strategic Policy Committee in February 2018.

The policy is contained in Chapter 17 of the of the Kildare County Development Plan 2017-2023. It is common practice for developers to seek compliance with residential naming conditions when a request is being made for an electricity supply connection which may not suit the timing of MD meetings. The Strategic Policy Committee could review the matter.

Councillor Wyse noted the contents of the report but stated local historical knowledge was not being used when considering naming proposals. Mr Ryan stated it was not a requirement on the planning application form and only became necessary when a developer was applying for an ESB connection. Following discussion, Mr Ryan agreed to examine the possibility of seeking this information at application stage or as part of the "prior to commencement" planning conditions.

Resolved on the proposal of Councillor Wyse, seconded by Councillor Doyle and agreed by all members that the Director of Planning and Strategic Development would consider alternative ways of seeking this information at an earlier stage in the planning application process, and report back to the members.

22/0120

Public Representatives on External Bodies

The following motion in the name of Councillor Fiona McLoughlin Healy was considered. That the council, as the appointing body, consider the appropriate response where public representatives appointed to external bodies fail to adhere to proper practice and procedure necessary for good governance of public bodies and of the administration of public funds.

The Cathaoirleach confirmed that Councillor McLoughlin Healy had agreed to defer this motion to the February meeting of full council.

23/0120

Development Management Standards

The following motion in the name of Councillor Brett was considered.

That planning applications in Kildare for in excess of 50 houses be conditioned to include an all-weather play area and a biodiversity garden, suitable for a variety of uses.

The motion was proposed by Councillor Brett and seconded by Councillor Doyle.

A report was received from the Planning and Strategic Development Department informing the members that the Table 4.2 of the County Development Plan 2017-2023 provides indicative density levels. In larger towns (> 5,000) densities of up to 50 units per Ha. are permitted.

The proposal would mean that for every 1 Ha. in these areas and for every 2 to 2.5 Ha. in small towns and villages, a developer would be required to provide for (1) all weather play area, (2) biodiversity garden; and (3) other uses i.e. ball playing; informal games; parkland; etc.

While the general objective of the motion has merit, this would be very onerous on the developer and have significant implications in terms of the longer- term maintenance for either the residents and/ or council in the future; and would require a Statutory Variation to the Development Management Standards; Chapter 17 of the County Development Plan.

It is considered that the biodiversity elements can be introduced into developments through planting and landscaping, but the provision of 'all weather playing areas' and formal gardens/ biodiversity gardens are best provided at a local or neighbourhood level and associated with a higher number of units.

It is suggested that the member's recommendation would be best addressed in a 'County Wide Open Space Strategy' which would establish the proper provision of different types of open space elements desirable for different scales of housing and local community catchments areas.

The Planning Department hope to commence such an Open Space Strategy in 2020 in conjunction with the Parks Department.

Resolved on the proposal of Councillor Brett, seconded by Councillor Doyle and agreed by all members that the report be noted.

24/0120

Report on Dumping at Donnelly's Hollow

The following motion in the name of Councillor Ryan was considered.

That the council give an update as to when the report on the dumping at Donnolly's Hollow can be shown to the elected members and to the public

The motion was proposed by Councillor Ryan and seconded by Councillor Doyle.

A report was received from the Water Services and Environment Department informing the members that the report in question was commissioned by the Department of Defence and completed by Malone O'Regan Environmental Consultancy. Its findings were based on extensive surveying and analysis of the site including geophysical survey, topographical survey, trial pit investigation, boreholes, imported material analysis and groundwater investigations.

It was established that the material imported largely relates 'mainly to soils and stones, with some minor concrete particles'. It was determined that it does not impose a significant environmental risk. The Council engaged another specialist consultancy [JBA Consulting] to peer review the findings and, is satisfied that, subject to further monitoring, there is not a significant environmental risk.

Notwithstanding the findings, as already stated in response to similar motions at full Council and MD level, the depositing of such waste is clearly unauthorised and breaches both the Waste Management and Planning Legislation. In this context, the Council has had meetings with the Department of Defence in order to try to resolve such matters. As previously advised, as public sector entities there is an obligation on both parties to sort out matters without having to incur legal costs on the part of either the exchequer or local rate payers. Accordingly, discussions remain ongoing involving both the Environment and Planning departments. In this context, it is the view of the Council that the public release of the report at this point might prejudice the resolution of the matter particularly as discussions have reached an advance stage. In addition, formal

enforcement action cannot be ruled out. It is, however, accepted that matters really need to come to a head and be resolved sooner rather than later. The members will be kept informed.

Councillor Ryan stated this matter was ongoing since 2018 and that she was urgently seeking information regarding who gave permission for this dumping, who had been deemed to be responsible and who would put it back to its original condition.

Mr Boland stated he understood the members frustrations and agreed that the discussions had been protracted but emphasised again that the council did not give its agreement to this and that the report had been commissioned by the Department of Defence. He confirmed that there was an obligation on public bodies to try and resolve these matters without recourse to litigation but agreed that the matter needed to come to a head.

Councillor Ryan stated she would like to see the topographical surveys that form part of the overall report. Mr Boland confirmed the surveys formed part of the overall report and the council was doing everything in its power to progress this matter. Councillor Ryan stated it was totally unacceptable that this could be allowed to happen and asked to see the report as soon as it was possible to do so.

Resolved on the proposal of Councillor Ryan, seconded by Councillor Doyle and agreed by all members that an urgency be brought to bringing this matter to a conclusion and the report be made available to the members as soon as possible.

25/0120

Warning Signs for Cyclists

The following motion in the name of Councillor Clear was considered.

That the council confirm that they have applied for funding available from Department of Transport, Tourism and Sport to carry out placement of warning signs on safe passing distance for cyclists and inform/liase with the members on the proposed locations.

The motion was proposed by Councillor Clear and seconded by Councillor Doyle.

A report was received from the Roads Transportation and Public Safety Department informing the members that the Road Traffic (Traffic and Parking) (Amendment) Regulations 2019 builds on the existing legislation with regard to dangerous overtaking. These regulations divide the offence of dangerous overtaking to make it a separate offence to dangerously overtake a pedal cyclist. This

separate offence will carry an increased fixed charge of €120 and penalty points and will particularly target those drivers who put cyclists at risk.

The introduction of the new law will be highlighted by the rollout of new signage warning motorists to provide for adequate overtaking space for cyclists. The signage includes providing for a one metre distance overtaking space (in locations with speed limits less than 50km/h) and 1.5 metre distance (where speed limit exceeds 50 km/h). The Road Safety Authority RSA will underpin the introduction of the new law changes through a radio, digital, and outdoor advertising campaign. In addition, it will continue to run its TV led campaign which advises drivers to slow down and allow at least one metre overtaking distance when passing cyclists in speed zones up to 50km/hour and at least 1.5 metres when passing at speeds above 50km/hour.

DTTAS has issued a circular to all Local Authorities inviting applications for funding with respect to placement of signage at appropriate locations. The submission will be made in the coming weeks.

Resolved on the proposal of Councillor Clear, seconded by Councillor Doyle and agreed by all members that the report be noted.

26/0120

Review of School Wardens Services

The following motion in the name of Councillor Duffy was considered.

That the council undertake a countywide consultative review of School Warden services, including Junior Warden services, incorporating all serviced and non-serviced primary schools; documenting the current provision of services, their location, effectiveness and opportunities or risks to these services, as well as a prioritised list for future school warden locations to inform any future decision making to amend or extend the school warden services within the county in 2021.

The motion was proposed by Councillor Duffy and seconded by Councillor Durkan.

A report was received from the Roads Transportation and Public Safety Department outlining the locations by municipal district and informing the members that there are currently 25 permanent adult school warden crossings and 1 Junior School Warden crossing in county Kildare. There is one relief school warden and two newly appointed relief school wardens for North Kildare.

11 of the school crossings are located on Regional Roads, 11 are on Local roads, 2 on Local distribution roads and 1 crossing is within a housing estate. Almost all crossings, apart from one in a housing estate are on roads with a 50 kph speed limit.

A review of all school crossings in the county was undertaken in 2018 which identified some changes in school crossing times for wardens. Recommendations to relocate school wardens to other areas were not approved. Based on current transport trends and environments, a revised school crossing review will be carried out and is expected to be completed by the end of Quarter 2, and any approved changes or re-allocations of school crossings should be in place before the new school term begins in September 2020. The Road Safety Officer has indicated this may involve school crossings identifying as having a low risk level may be relocated to another school crossing which may prove to be of a greater risk level.

Requests for new school crossing or school wardens are placed on a 'holding list' and the location is examined and assessed to determine if the requested location for a new crossing or a new school warden is warranted, or if alternative traffic calming measures should be used instead.

The Road Safety Officer has recommended the provision of two new school crossings, which he has sought approval to create two new School Warden posts to operate at, to serve St Annes National School in Ardclough (Leixlip/Celbridge) and jointly serving Maynooth Educate Together School and Scoil Fihach Gaelscoil, Celbridge road, Maynooth.

Councillor Duffy acknowledged the content of the report and asked for a copy of the 2018 report. Following discussion, the following points were raised –

- What is the criteria for assessment?
- Is there a formal procedure to apply for a school warden?
- What does low risk mean?

Mr McDonnell confirmed there was no formal procedure to apply but that each application was considered on its merits. He also confirmed that he would circulate information regarding a school street programme that was being rolled out in Fingal County Council. The Cathaoirleach stated the members should make a submission to budget 2021 for additional funding for this item.

Resolved on the proposal of Councillor Duffy, seconded by Councillor Durkan and agreed by all members that the report be noted, and the 2018 report and the Fingal school streets programme be circulated to the members.

27/0120

Flow of Traffic during Bridge Improvements

The following motion in the name of Councillor Killeen was considered.

That the council arrange for a workshop in respect of issues arising from any transportation improvements where mitigation plans are required to keep transport moving during all the proposed bridge improvements and rail electrification that is due to occur in the lifetime of this council.

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

A report was received from the Roads Transportation and Public Safety Department informing the members that a workshop is being organised by the Transportation Directorate.

Resolved on the proposal of Councillor Killeen, seconded by Councillor Pender and agreed by all members that the report be noted.

28/0120

Merit Recognition

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

That some form of Merit Recognition be accorded the County of Kildare Association of New York, Inc. or to its long-standing committee members or both, to recognize the valiant, sustained and dedicated benevolent contribution of that organization to assist, support and encourage socialization for American immigrants originating from County Kildare since 1896.

The motion was proposed by Councillor Moore and seconded by Councillor Doyle.

A report was received from the Corporate Services Department informing the members that this was a matter for the members to consider and if approved, arrangements will be put in place to make a suitable award to the County of Kildare Association in New York on behalf of the council. For information, Mr Chris Burke, Treasurer of the County of Kildare Association of New York was awarded the Dara Bronze in May 2013 for his work with the Association.

Resolved on the proposal of Councillor Moore, seconded by Councillor Doyle and agreed by all members that the report be noted, and the necessary arrangements put in place as outlined.

29/0120

Electric Vehicle Charging Network

The following motion in the name of Councillor Neville was considered.

That the council join with the four local authorities in Dublin who have identified the need for an electric vehicle charging network, to support EV uptake. In order to inform the four authorities in Dublin of the requirements and the number, types and optimal location of chargers required, a strategic overview of the Dublin region is sought from suitable service providers and therefore, I ask Kildare County Council to join in that process to save costs rather than running our own review later.

The motion was proposed by Councillor Neville and seconded by Councillor Durkan.

A report was received from the Roads Transportation and Public Safety Department informing the members that arrangements are being made in this regard and Dublin City Council have been contacted seeking information on their arrangements.

Following a query from Councillor Neville, Mr McDonnell confirmed the Dublin authorities had already gone ahead but had confirmed they were willing to make their findings available.

Resolved on the proposal of Councillor Neville, seconded by Councillor Durkan and agreed by all members that the report be noted.

30/0120

Housing Provision for Young People Leaving Care

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

That the council confirm what strategies are in place in respect of housing provision for young person's leaving care and that have left care and requiring emergency, mid-term accommodation and long term accommodation, what personnel have been allocated to the management of a care leavers accommodation programme, if any data on this exists and if a register can be commenced and if this can be examined by the Housing SPC.

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

A report was received from the Housing and Corporate Services Department informing the members that the Mid East Region Homelessness Action Plan 2018-2020 was adopted by the

elected members of Kildare, Meath and Wicklow in December 2017. A Key theme of the plan is: Support and advice to young people leaving state care in relation to accommodation needs.

In 2017 Tusla established the Kildare West Wicklow Aftercare Steering Committee and this is linked to the action contained in the regional action plan. The Aftercare Steering Committee identify individuals leaving care and work together to ensure that an individual is on the housing list and, therefore, eligible for consideration for social housing. In addition, the committee consider plans for identifying and securing accommodation for care leavers. The Capital Assistance Scheme includes a category for funding for provision of accommodation for care leavers. In practice meeting the needs of young people leaving care or those who find themselves homeless requires a multi-agency approach involving the local authority, Health Service Executive, Tusla and approved housing bodies. All of these agencies are represented on both the regional homeless forum and the aftercare steering committee. In addition, these agencies also sit on Kildare County Council's Homeless Action Team. Such funding applications require the approval of Tusla.

Kildare County Council's Housing Department, through its work and engagement with these agencies, implement the actions of the regional homelessness plan.

Tusla retain information with regard to children in care, those due to leave care and those in aftercare. Senior staff within the housing department liaise with Tusla in relation to the allocation of properties for care leavers.

Kildare County Council holds information in relation to care leavers who have applied for social housing.

Resolved on the proposal of Councillor Pender, seconded by Councillor Doyle and agreed by all members that the report be noted.

31/0120

County Speed Review of High-Risk Areas and School Zones

The following motion in the name of Councillor Tracey O'Dwyer was considered.

That the council review speed limits in identified high risk areas and school zones in the absence of the countywide speed review being completed.

The motion was proposed by Councillor Tracey O'Dwyer and seconded by Councillor Doyle.

A report was received from the Roads Transportation and Public Safety Department informing the members that the council would have to defer the resources, currently assigned to the overall speed limit review, away from that project and thereby delay further the county-wide review. I consider that this would be inefficient and a duplication of effort in the long run and do not recommend taking that approach.

Councillor O'Dwyer stated she had sought additional information from the Director of Service and would now consider alternative options to progress this matter.

Resolved on the proposal of Councillor Tracey O'Dwyer, seconded by Councillor Doyle and agreed by all members that the report be noted.

32/0120

Update on TAAG Roads Project System

The following motion in the name of Councillor Wall was considered.

That the council update its members on the TAAG roads project system and the status of projects within.

The motion was proposed by Councillor Wall and seconded by Councillor Doyle.

A report was received from the Roads Transportation and Public Safety Department informing the members that the Transportation Directorate is currently reviewing the database of requests that have built up since the TAAG was forced to stop due to the loss of resources. There are over 400 items in the database, and we aim to remove requests that are no longer relevant for one reason or another. When this work is complete, we would like to inform the individual municipal district committees as to the list of items that have to be addressed. Then, jointly, a decision can be made on how to proceed.

Resolved on the proposal of Councillor Wall, seconded by Councillor Wall and agreed by all members that the report be noted.

**Tairisceana Reatha Nach feidhmeanna na Comhairle Contae iad
Current Motions Non-Kildare County Council Functions**

33/0120

Naas/Blanchardstown Bus Service

The following adjourned motion in the name of Councillor Neville was considered.

That this council engage with Blanchardstown hospital requesting the Naas/Blanchardstown bus service to include Blanchardstown hospital as a stop.

The motion was proposed by Councillor Neville and seconded by Councillor Doyle.

A report was received from the Roads Transportation and Public Safety Department informing the members that this is a matter for the members to agree however for information, the service referred to is operated by a private operator on behalf of the National Transport Authority (NTA) and Blanchardstown Hospital is not in Kildare's jurisdiction.

Resolved on the proposal of Councillor Neville, seconded by Councillor Doyle and agreed by all members that the report be noted, and correspondence issues as requested.

34/0120

Adoptee Identity Rights

The following adjourned motion in the names of Councillors Pender and Ryan was considered.

That on behalf of Aitheantas, we are calling on the council to write to Minister Zappone's Department requesting/demanding that her Department acknowledges Adoptee Identity Rights and immediately allows Adoptees access to their own information on health, history and heritage in line with the equality and personal autonomy rights of other citizens and as voted for in two of our recent referenda.

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

A report was received from the Housing and Corporate Services Department informing the members that this is a matter for the members to agree.

Following discussion, it was agreed that the correspondence would issue to the Minister for Children and Youth Affairs.

Resolved on the proposal of Councillor Pender, seconded by Councillor Ryan and agreed by all members that the report be noted, and the council writes to the Minister for Children and Youth Affairs as requested.

35/0120

Parental Alienation

The following adjourned motion in the name of Councillor Behan was considered.

That the council call on the Irish Government Departments of Health, Justice and Equality and Children and Youth Affairs to recognise that Parental Alienation is “Substantial and sustained dissatisfaction within a caregiver - child relationship associated with significant disturbance in functioning” as coded by the World Health Organisation in the latest International Classification of Diseases version 11 and to implement recommendation 36 of the Report of the Reform of the Family Law System October 2019.

The motion was proposed by Councillor Behan and seconded by Councillor Dooley.

A report was received from the Housing and Corporate Services Department informing the members that this is a matter for the members to agree.

Resolved on the proposal of Councillor Behan, seconded by Councillor Dooley and agreed by all members that the report be noted and correspondence issue to the Departments of Health, Justice and Equality and Children and Youth Affairs, as requested.

36/0120

HSE - Lost Bed Days

The following adjourned motion in the name of Councillor Connolly was considered.

That the council write to the Health Service Executive requesting a figure of lost bed days from delayed discharges in Naas Hospital.

The motion was proposed by Councillor Connolly and seconded by Councillor Doyle.

A report was received from the Housing and Corporate Services Department informing the members that this is a matter for the members to agree.

Resolved on the proposal of Councillor Connolly, seconded by Councillor Doyle and agreed by all members that the report be noted, and correspondence issue to the HSE as requested.

37/0120

Personal Assistance Service (PAS)

The following motion in the name of Councillor Ó Cearúil was considered.

That the Council supports the right to Personal Assistance Service (PAS) for disabled people to have freedom, choice and control over all aspects of their lives to enable them to fully participate in an inclusive society as equals.

The motion was proposed by Councillor Ó Cearúil and seconded by Councillor Doyle.

A report was received from the Housing and Corporate Services Department informing the members that this is a matter for the members to agree.

Resolved on the proposal of Councillor Ó Cearúil, seconded by Councillor Doyle and agreed by all members that the report be noted.

38/0120

Go-Ahead Ireland

The following motion in the name of Councillor Farrelly was considered.

That the council invite Go-Ahead Ireland to make a presentation to the elected members on the takeover of routes in the county, to include the 120 and others.

The motion was proposed by Councillor Farrelly and seconded by Councillor Killeen.

A report was received from the Housing and Corporate Services Department informing the members that this is a matter for the members to agree.

Following discussion, the members agreed to invite Go-Ahead Ireland in to make a presentation to the members after the February full council meeting.

Resolved on the proposal of Councillor Farrelly, seconded by Councillor Killeen and agreed by all members that Go-Ahead Ireland be invited in to make a presentation to the members after the February full council meeting.

39/0120

Motorway Junctions Light Policy

The following motion in the name of Councillor Caldwell was considered.

That the council write to the relevant authority seeking a review of the policy of turning off the lights of motorway junctions in the county, as the current policy is a cause for concern.

The motion was proposed by Councillor Caldwell and seconded by Councillor Ryan.

A report was received from the Roads Transportation and Public Safety Department informing the members that TII are responsible for the motorway and interchange lights and have already given the following response when the matter was raised.

TII have a policy to reduce lighting throughout the national roads network in areas that are currently over lit in order to comply with the EU Energy Efficiency Directive that the government has signed up to.

Following discussion, the members made the following points:

- The council had written previously to TII in this regard.
- We are in the middle of a climate emergency
- The JPC should be asked to endorse the request.
- Any correspondence issuing should note the council continued to have concerns.

Resolved on the proposal of Councillor Caldwell, seconded by Councillor Ryan and agreed by all members that the report be noted and correspondence issue to TII as outlined and be endorsed by the JPC.

40/0120

General Scheme of the Housing and Planning and Development Bill 2019

The following motion in the name of Councillor Liston was considered.

That the council make a written submission on behalf of the members to the consultation on the General Scheme of the Housing and Planning and Development Bill 2019, to the Minister of Housing, Planning and Local Government.

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

A report was received from the Planning and Strategic Development Department informing the members that the closing date for submissions to the Department of Housing, Planning and Local Government etc. regarding the proposed scheme is Monday 27 January 2020. As it is considered that the contents of the proposed General Scheme on the Housing and Planning and Development Bill 2019 adequately covers all issues of concern to the council, it is not considered

necessary to make a submission unless the members have particular concerns, in which case it is a matter for the members to agree.

Councillor Liston referred to the draft submission that had circulated to the members in advance of the meeting and sought their approval to same. Mr Ryan confirmed that he had contacted the Department who were willing to accept the submission by 31 January. The Cathaoirleach thanked Councillor Liston for the work she had put into the submission.

Resolved on the proposal of Councillor Liston, seconded by Councillor McEvoy and agreed by all members that the report be noted, and the submission made to the Department on the members behalf.

41/0120

Early Years Educators and Childcare Workers

The following motion in the name of Councillor Galvin was considered.

That the elected members of Kildare County Council issue a statement of support for the Early Years Educators and childcare workers in advance of their national day of protest on Wednesday 5 February 2020.

The motion was proposed by Councillor Galvin and seconded by Councillor Feeney.

A report was received from the Housing and Corporate Services informing the members that this is a matter for the members to agree.

Following discussion, the members unanimously supported this proposal stating Kildare was a commuter county thus was very much affected and that more professional respect needed to be given to this sector.

Councillor Galvin proposed an amendment to the motion.

We the elected representatives of Kildare County Council, fully support the Early Years Educators and childcare workers in their national day of protest on Wednesday 5 February 2020.

The amended motion was proposed by Councillor Galvin and seconded by Councillor Doyle.

Resolved on the proposal of Councillor Galvin, seconded by Councillor Feeney and agreed by all members that the report be noted with the council confirming its full support for the Early Years Educators and childcare workers in their national day of protest on Wednesday 5 February 2020.

The meeting concluded.