

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Council**  
**held at 2.00pm**  
**Monday 23 October 2017**  
**Áras Chill Dara, Devoy Park, Naas, Co Kildare.**

**Members Present:** Councillor M Miley Jnr (Mayor), Councillors M Aspell, A Breen, A Breslin, K Byrne, B Caldwell, D Callaghan, M Coleman, R Cronin, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, I Keatley, C Kelly, A Larkin, M Lynch, M McCabe, J McGinley, F McLoughlin Healy, S Moore, T Murray, J Neville, N O’Cearúil, S O’Neill, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, P Ward, B Weld and B Young

**Apologies:** Councillors F Brett, P Kennedy and P McEvoy

**Also Present:** Mr P Carey, Chief Executive, Messrs J Boland, T McDonnell, P Minnock, N Morrissey and Ms S Kavanagh (Directors of Services), Ms E Hanlon (Head of Finance), Ms M Mclvor (Meetings Administrator), Ms K Keane (Meetings Secretary) and other officials.

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**01/1017**

**Vote of Sympathy**

The Mayor welcomed the members to the meeting and extended his sympathy to the families of the late:

Mr. John Wall, son of former Deputy Jack Wall and brother of Councillor Mark Wall.

Mr. Matthew Mannering, Caretaker, Confey Cemetery.

Mrs. Maureen Dalton, mother of Councillor Mark Dalton.

Mr.Patrick (Paddy) Simpson, father of Darren Simpson, Technician.

Mr. Derrick Cronin, brother of Paul Cronin of Water Services.

The Mayor conveyed his condolences to all the families of the bereaved, in particular to Councillor Wall and Councillor Dalton who were in attendance. He noted that John Wall was a huge loss to his family and to the community of Athy and stated the whole community had been moved by his passing. The Mayor also noted Maureen Daltons passing was a huge loss to the Dalton family. Councillor Power expressed his sympathies and the sympathies of the Fianna Fail party to Councillor Wall and Councillor Dalton. Councillor Redmond expressed his sympathies and the sympathies of the Sinn Féin party and stated the whole of Athy had come out in support of the Wall and Dalton families which was testament to the standing both families hold in the area. Councillor Weld expressed his sympathies and the sympathies of the Fine Gael party to Councillor Wall and Councillor Dalton as did Councillor Larkin on behalf of the Independent Group. Councillor Breslin expressed her condolences to Councillor Wall on her own behalf and on behalf of the Labour Party. She noted his brother John was a very special person and his passing would be a huge loss to his family and to the Labour Party but he had also left great memories through his work in the community and in the sporting world. Councillor Breslin extended her condolences and those of the Labour Party to Councillor Dalton also.

The Chief Executive joined with the elected members in expressing his condolences and offered Councillor Wall and Councillor Dalton the council's full support at this difficult time.

Councillor S Power also wished to acknowledge the passing of the late Mr Liam Cosgrave, former Taoiseach who had very strong links with County Kildare. Councillor Weld also expressed his sympathies and the sympathies of the Fine Gael group on the passing of Mr Cosgrave and too noted the strong links he had with the county.

A minute's silence was observed.

## **02/1017**

### **Adoption of minutes**

The council considered the minutes of the monthly meeting of 25 September 2017, together with the progress report.

The Meetings Administrator confirmed an amendment would be made to the minutes due to the omission of comments from Councillor Pender under 09/0917, and confirmed this amendment would be made to the adopted minutes.

**Resolved** on the proposal of Councillor Hillis, seconded by Councillor Moore, that the minutes of the monthly meeting of 25 September 2017, to include Councillor Penders comments under 09/0917, be adopted and the progress report noted.

### **03/1017**

#### **To note Chief Executives monthly management report**

The members considered the monthly management report.

Councillor McLoughlin Healy enquired about the replacement of the machinery yard and when it is intended to sell the existing site. Mr N Morrissey, Director of Service stated the plan remains to sell the site but that it would not come to market for at least 2 years. She also noted that there was no mention of Social Inclusion week in the monthly management report.

The Mayor stated that matters arising from the monthly management report should either be raised with him in advance of the meeting or noted that members are free to raise any issue with the relevant directorate in advance of the meeting. Councillor McLoughlin Healy asked for clarification on the standing order relating to this.

**Resolved** that the Chief Executives monthly management report be noted.

### **04/1017**

#### **To approve the Section 183 Disposal of Land at 47 Pacelli Road, Naas**

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Scully and agreed by all members present to approve the Section 183 Disposal of Land at 47 Pacelli Road, Naas.

### **05/1017**

**To receive a presentation from Michael Hurley, Health and Safety Officer**

In advance of Mr Hurley's presentation, the Mayor took the opportunity to thank the staff of Kildare County Council who were working during and following the recent Storm Ophelia and extended his sympathies to the 3 families who had lost loved ones in tragic circumstances during the storm. He also thanked the Severe Weather Assessment Team who were in work on the day of the storm managing the situation. The Chief Executive also thanked the staff for their work in dealing with Storm Ophelia and noted there had been 20 crews out on the ground dealing with issues. Mr Carey also thanked the other agencies involved i.e. the Gardaí and the ESB and noted the Department of Defence had offered their support too.

Mr Hurley thanked the Mayor and outlined the four areas of focus of his presentation as being the key achievements in Quarter 1 to Quarter 4 which included on-site support for municipal areas, breast cancer awareness training and H&S support to South Dublin County Council following a serious accident. Mr Hurley went on to outline the key measurables in 2017 indicating an increase in the number of H&S training days and an increase in the number of attendees at H&S training. He also confirmed that the 23 October was also the start of Health and Safety week which included the Health and Safety Conference and numerous different events taking place during the course of the week. The theme of the conference this year is mental health. Mr Hurley confirmed there is a growing body of research that shows integrated approaches to employee health, safety and wellbeing lead to better business outcomes and outlined the benefits of a healthy workplace to both the organisation and the employee.

The Chief Executive thanked Mr Hurley for his presentation and noted the amount of important work ongoing in this area. He confirmed Health & Safety is taken very seriously by the council born out by it being a standing item at all senior management team meetings and at the Corporate Policy Group meetings. Mr Carey noted Health & Safety should be seen as a core value of the organisation and should always form part of our everyday work and thanked Mr Hurley, his staff and Mr N Morrissey, Director of Service for their continued work in this area.

**06/1017**

**To approve LIHAF borrowing requirement**

A report from Mr N Morrissey confirmed that in March 2017 Kildare County Council had

successfully secured funding of €20,500,000 under the Local Infrastructure Housing Activation Fund, (LIHAF) in respect of the Naas Inner Relief Road Project (€6M) and the Maynooth Eastern Relief Road and Bridge (€14.5M). Mr Morrissey confirmed the aim is to deliver 800 affordable units in Naas and Maynooth but that the Maynooth project is dependent on a variation of the Local Area Plan. He further confirmed that LIHAF includes a condition that the local authority provides at least 25% match funding for each project and noted that it is difficult to calculate the exact total cost involved until tenders have been received and land acquisitions agreed. However, based on present estimations, the estimated total costs amount to €24,500,000 with €15,375,000 funded by the Department of Housing Planning Community and Local Government. Mr Morrissey confirmed that this will result in Kildare County Council's estimated commitment totalling €9.125 million and asked for the member's agreement to a borrowing requirement in this sum.

Councillor Doyle queried the number of units that were deliverable and the development levies that were attributable to the individual LIHAF projects that had been proposed originally. Councillor Pender stated the council had failed to seek strong enough affordability detail through the agreement arrangements set out under the Rebuilding Ireland Programme and noted the clear link between public infrastructure and delivering affordable units. Mr Morrissey confirmed the Department had their own method of assessing the proposed LIHAF applications and stated he felt it was difficult for the Minister not to include the Maynooth project given the housing shortage in the north of the county. He further confirmed the issue of affordability had been the subject of a long debate with the Department.

**Resolved** on the proposal of Councillor McGinley, seconded by Councillor Moore and agreed by all members present that the LIHAF borrowing requirement in the sum of €9.125 million be approved.

#### **07/1017**

#### **To receive report from the Chair of the Housing Strategic Policy Committee**

The Mayor confirmed the absence of Councillor Kennedy, and stated this item would be deferred to the November meeting.

**08/1017**

**To approve appointments to Strategic Policy Committees**

A report from Ms M McIvor, Senior Executive Officer stated interim nominees were appointed to fill the community/voluntary, social inclusion and the environmental/conservation positions on the Transportation Safety and Emergency Services Strategic Policy Committee and the Local Community and Cultural and Strategic Policy Committee pending the formation of the Public Participation Network (PPN) secretariat and the receipt of formal nominations from the PPN.

The PPN are now in a position to make formal nominations to the Transportation, Safety & Emergency Services SPC i.e. Community/Voluntary Nominee – Mr Bill Clear, Oldtown Demesne, Naas and the Local Community & Cultural SPC ie. Community/Voluntary Nominee – Ms Vivien Kelly-Keane, Kildangan.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Keatley and agreed by all members present to approve the appointment of Mr Bill Clear, Oldtown Demesne, Naas as the Community/Voluntary Nominee to the Transportation Safety and Emergency Services SPC and Ms Vivien Kelly-Keane, Kildangan as the Community/Voluntary Nominee to the Local Community and Cultural SPC.

**09/1017**

**Gnó an Mhéara/Mayor's Business**

The Mayor welcomed the award of the contract for the M7 Naas to Newbridge Bypass Upgrade, M7 Osberstown Interchange and R407 Sallins Bypass which will commence one of the most significant road schemes contained in the Government's Building on Recovery Programme. He noted this contract consists of three major elements and is a very welcome investment of €150 million and noted that works will commence in the next few months. He also noted the announcement to grant permission to the Southern Distributor Road in Athy last week which is very good news for the south of the county.

The Mayor confirmed he had attended the launch of the Dara Project in Athy which is being run by

the Wheelchair Society and had also attended the Bank of Ireland Enterprise Town awards held in the Clane GAA. He also attended an event in Kilcullen Mart to mark their 50-year anniversary.

The Mayor also attended an event organised by Hope-D and noted the great work being carried out by this organisation in the area of raising awareness of mental health issues and providing support to those that need it.

The Mayor confirmed he had attended the launch of the book titled “1916 – A year in the making”, and the AGM of the Historical Society of Co. Kildare. He also attended the National Enterprise Women’s award run recently in Kildare Town and confirmed he will be leading a deputation to Lexington, U.S.A. in the coming weeks.

The Mayor also confirmed he had the pleasure of attending the AGM of Kildare Comhairle na Nóg and the 40 year anniversary celebrations of the Scouts in Athy.

#### **10/1017**

#### **Comhfhreagras/Correspondence**

The Meetings Administrator confirmed all items of correspondence had been circulated with the progress report.

Councillor Redmond queried correspondence received from the National Transport Authority on the provision of bus shelters in the county. Mr N Morrissey, Director of Service confirmed bus shelters at locations not funded by the NTA, will be funded by the council through LPT monies.

#### **11/1017**

#### **Comhdhálacha agus Traenáil/Conferences and Training**

The Meetings Administrator referred to the report dated 19 October 2017 circulated to the members.

**Resolved** on the proposal of Councillor Hillis, seconded by Councillor Fitzpatrick and agreed by all members present that 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, the following retrospective approval is granted for the attendance of Councillor F Brett at the AILG training on 14 September 2017 in the City North Hotel, Gormanstown, Co Meath, the attendance of Councillors P Kennedy and J Neville at the LAMA Autumn training seminar on 29 & 30 September in the Manila Hotel, Clonmel, Co Tipperary, the attendance of Councillors P Kennedy, M Miley Jnr, B Caldwell and S Power at the AILG Autumn Training Seminar on the 12 & 13 October in the Sligo Park Hotel, Sligo.

Approval is granted for the attendance of Councillor P Kennedy at AILG Module 5 Training Seminar on the 19 October in the Bridge House Hotel, Tullamore, Co Offaly.

### **12/1017**

#### **To receive report from the Chair of the Economic Development, Enterprise and Planning Strategic Policy Committee**

Councillor Doyle outlined the work undertaken by this SPC over the course of 2017 confirming the meeting in May had dealt with a report on the local economic development plan, a report on shop front grant scheme, a report on Part 8 process improvements, a report on the County Development Plan and Local Area Plans and confirmation of the work programme in 2017. Councillor Doyle confirmed they had received a presentation at the October meeting from Mr Malachy Bradley of the East Midlands Regional Authority which had been very information; they had also received an update on the Local Area Plan work programme and Ms Jacqui McNabb gave a progress report on the work of the Local Enterprise Office to include an update on the Local Economic Community Plan (LECP) actions. Councillor Doyle outlined that work is ongoing on the National Planning Framework submission which is due 03 November and they will continue to have an ongoing oversight role on the economic actions of the LECP. Councillor Doyle noted that ensuring there is an economic and social balance is of utmost importance when considering these actions and one that she is very aware of. She also referred to the Urbacht project being run by Ms Kavanagh, Director of Service which demonstrates how collaboration can be such an effective tool.

Councillor Redmond asked that a copy of the submission made to the National Planning Framework be circulated to the members. Mr Minnock, Director of Service confirmed it would be circulated and noted the members can also make their own submission. Councillor Cussen asked that the presentations made to the SPC be circulated to the members also and enquired if the East Midlands Regional Authority could be invited to make a presentation to the members. The Mayor stated he would arrange for a presentation to be made to the members in the coming weeks. The Chief Executive thanked Councillor Doyle and all those involved in this extremely important area of work and in particular paid thanks to Ms S Kavanagh, Director of Service and Ms J McNabb, Head of Enterprise for the huge strides they are making in the area of economic development in the county. He outlined the Government policy around the National Planning Framework and confirmed the council is engaging with the IDA noting strategic land banks are already in place in Kildare i.e. Millennium Park but we will have to provide more to be in a position to attract future investment. The Chief Executive also confirmed a County Kildare Economic Forum had been established with representatives from the business community and the forum will be used as a networking opportunity on all issues relating to economic development in the county.

The Mayor echoed the Chief Executives comments with regard to the importance of future business growth for the county and thanked Councillor Doyle for the very informative presentation.

### **13/1017**

#### **To approve continued overdraft of €4.5m for the year ended 31 December 2018**

**Resolved** on the proposal of Councillor Moore, seconded by Councillor Hillis and agreed by all members present to approve the continued overdraft of €4.5m for the year ended 31 December 2018.

### **14/1017**

#### **Administration of the TAAG system**

The following motion in the name of the Athy Municipal District members was considered:

That this council give a full report to the municipal district councillors on the administration of the TAAG system to include how it was introduced, who analyses it and do they take into account the major concerns that the municipal district councillors have with it.

**Report:** A report from Mr N Morrissey, Director of Service, Roads Transportation and Public Safety outlined the background to the establishment of the Technical Assessment and Advisory

Group (TAAG). All motions and questions submitted to the Roads Department from the 5 Municipal Districts from July 2016 - May 2017 were examined with a system established to ensure a consistent county-wide assessment structure, to provide technical support to the Municipal District Engineers by carrying out preliminary technical assessments and consider timelines and cost for the completion of warranted works. Mr Morrissey outlined that the key objective of TAAG was to provide a structure and consistent approach to the technical assessment of requests and proposals from elected representatives and other sources/stakeholders. He further outlined the staff currently assigned to the team and the procedures involved in the actual workings of the team. To the end of June 2017, 177 cases have been recorded across the 5 Municipal District areas with 49 new referrals since June. Mr Morrissey outlined the TAAG requests by type/category and gave some examples of TAAG issues under progress. He also advised the loss of the Senior Executive Engineer from this team had a significant impact and it would be a number of months before he was replaced due to the time taken to advertise and fill such vacancies.

Councillor Redmond stated it was out of frustration the Athy Municipal District members had submitted this referral to full council and asked why the members were not receiving these as promised, update status report of the list of priorities prepared by TAAG. He stated if matters continued as they were, the list would end up being too long to manage. Councillor Moore supported Councillor Redmond's comments stating his concerns that nothing is happening on the items being referred to TAAG and was very concerned about the length of time Mr Morrissey had indicated it was going to take to replace the Senior Executive Engineer.

Councillor Wall voiced his serious concerns over this system and noted the status report as promised to the Athy Municipal District members is now nearly 6 months late resulting in the members of the Municipal District having no idea what the priority items in their areas are and stated it is unacceptable that the elected members are unable to update their constituents on the status of requests when asked. He also referred to the system becoming a council priority list versus a member's priority list which is not acceptable either. Councillor Doyle commended the Roads Department for coming up with a system to manage this work and noted the key issue seems to be the resourcing of same. Councillor Lynch also supported the system and asked when the Director would be in a position to give an update on items listed for each Municipal District. Councillor Keatley stated he understood the approach being taken and noted the problem appeared to be the lack of resources assigned to the team. He also noted the excellent work being carried out by the Municipal District engineer prior to the introduction of the TAAG system and that

the current situation whereby the members are not being given an update is unacceptable. Councillor McLoughlin Healy echoed Councillor Wall's sentiments and stated her disappointment around the lack of progress on her recurring motion regarding the Green Road in Newbridge and the implementation of Jakes Law.

Mr N Morrissey stated the reporting back to members needs to improve and undertook to ensure this happens on a bi-monthly basis as had been originally agreed. He did indicate that money will always be an issue but that if a small issue arises in a Municipal District that is urgent, the Municipal District Engineer has a budget and resources to progress these. He further agreed the process around Jakes Law had taken too long but confirmed the tender for the first tranche of signage had been awarded and the signs will go up in the next few weeks. Councillor Redmond asked that when items are referred to TAAG for assessment, and following consideration of same they are not deemed eligible for inclusion on the list that the members be made aware of this. The Mayor noted Mr Morrissey's comments and stated his hope that there would be improvement in this area as the system to date has not operated satisfactorily.

**Resolved** on the proposal of Councillor Redmond, seconded by Councillor Wall that the report be noted.

## 15/1017

### Part V Negotiations

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

That all Part V negotiations on residential development be completed prior to grant of planning permission and that all Part V provision be prioritised for the estate from which they are generated and only in exceptional cases, the allocation may be delivered within the school catchment area, parish or municipal district, in that order of preference. Furthermore, that all outcomes from said negotiations are reported to the relevant municipal district within a month of completion of agreement and also form part of the housing report to full council.

The motion was proposed by Councillor Doyle and seconded by Councillor S Power.

**Report:** A report from Mr T McDonnell, Director of Services for Housing stated a Part V agreement refers to the agreement between a developer (applicant) and the planning authority

outlining how the developer will meet his/her obligations under Part V. When submitting a planning application, developers must specify the manner in which they intend to comply with their Part V obligations. Developers are encouraged to engage with the Housing Department prior to lodging a planning application, and where possible, to reach an agreement in principle as to their proposal for Part V compliance. However, until such time as the grant of permission is received, the developer and the Housing Department cannot conclude the Part V agreement.

It is the council's preference to obtain the Part V units on site however each application is assessed as to the suitability of taking units on site or not.

It may not always be preferable to take units on site, (e.g. where the developer is building large five bed detached properties with costs in excess of Department cost ceilings) and in instances such as this, the council will look at the other options, including, if necessary, the transfer of land on the site for which permission was obtained.

The council provide details of the number of acquisitions, including the number of Part V acquisitions, to the members on a quarterly basis.

Councillor Doyle thanked Mr McDonnell for the report and stated social integration is critical for a stable and harmonious community and noted our Housing Strategy and our County Development Plan supports this. She noted that pressure has to be brought at the earliest possible point of the negotiation stage so that the council gets the optimum result for our needs. Councillor Stafford supported Councillor Doyle's motion and stated Part V had worked in the Rathangan area and that accepting offsite units/land will not achieve social integration. He enquired as to the possibility of accepting units from a developers existing stock in lieu of future housing in a new estate.

Councillor Redmond enquired how Part V operated in the Strategic Housing Development (SHD) applications that are being submitted directly to An Bord Pleanala. Councillor Keatley supported the essence of the motion and stated his view that the highest consideration being given in these negotiations is merely cost i.e. site value, and an agreement will be based on this every time. He noted this will result in an imbalance of social housing throughout the county regardless of Department policy and that in the future, it will be left to the local authority's to address the fallout. Councillor Durkan supported the motion and asked that when developers are meeting the Housing Department to negotiate the terms of Part V, that consideration be given to the needs of those actually on the housing list. Councillor Young stated he was sympathetic to the motion but that

completed costs, especially in the north of the county, are unaffordable. Councillor S Power asked Mr McDonnell if the same negotiations happen on the SHD applications to the Board.

The Chief Executive stated Kildare County Council are actively engaged in the Part V process due to the very dynamic pipeline of development in progress but emphasised to the members that Local Authority Housing makes up a mere 10/15% of the overall housing programme. He also outlined that the council operates via a funding channel with the Department of Housing, Planning, Community and Local Government managing the housing budget allocation. He stated Kildare County Council has circa 7,000 people on the housing waiting list, a homeless problem that we are constantly trying to grapple with and an affordability gap on houses that are being delivered but that this is the framework we have to work within which is less than ideal.

Mr McDonnell, Director of Service responded to the queries raised by confirming Part V had been revised 2 years ago and it is taking a while for the planning permissions granted to come through the system. He stated the council encourages developers to come in at pre-planning stage to have discussions on Part V and that he as Director of Housing signs off on agreements reached and noted there is no difference in the mechanism for negotiation on a SHD planning applications to the smaller housing applications made to the council. In response to Councillor Stafford's query, Mr McDonnell stated that Part V is a requirement of the current grant of planning permission and accepting future units is not feasible due to unknown costs. In response to Councillor Keatley's query, Mr McDonnell confirmed we are bound to deliver sustainable communities however the council is bound by the applications on hand but that the issue of broadening out areas of preference to make them less specific is something to be considered. On a point of clarification, Councillor McLoughlin Healy asked if the 10/15% referred to by the Chief Executive earlier included Approved Housing Body units. The Chief Executive confirmed it did. Councillor Doyle stated she was aware of the difficulties as outlined by the Chief Executive and Director but asked that greater emphasis be given to reaching agreement at pre-planning stage and if agreement is not forthcoming, she would be supportive of the council seeking the default land option.

**Resolved** on the proposal of Councillor Doyle, seconded by Councillor S Power that the report be noted.

**15/1017**  
**Native Shrubbery**

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

That this council investigates what type of appropriate (height x width) native shrubbery could be planted, ideally relatively maintenance free, in areas where grass cutting is or will be taking place so that appropriate planting will reduce the management needed of grass verge areas in estates, along roadways and in appropriate public areas.

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

A report from Ms E Wright, Senior Executive Officer, Roads, Transportation and Public Safety Department stated that while the planting in housing estates is primarily a matter for the Planning Department (new estates) and the Parks Department (estates in charge), the Roads Department's requirements for planting includes set back from public lighting to prevent encroachment/interference with lighting levels and also the selection of appropriate planting to prevent root damage to public roads and footpaths.

A report from Mr P Minnock, Director of Service, Planning & Strategic Development stated a comprehensive list of acceptable native trees and shrubs is contained in Chapter 17 of the County Development Plan 2017 - 2023. All proposed new developments are required to comply with the content of the County Development Plan and applications for planning permission are assessed with regard to same. Appropriate conditions regarding future soft landscaping are attached to decisions to grant permission where appropriate.

A report from Mr S Wallace, Senior Executive Parks Superintendent stated the Parks Department endeavours to use native planting where appropriate but that this has to be balanced with the practicality of using it, the location, the budget to carry it out and the maintenance costs involved in establishing it.

Councillor Lynch noted the content of the reports and stated that it had been raised with him as residents associations are spending a lot of time and money maintaining these areas and that the council should consider a review of the plants/shrubs being used on their own lands as a starting point. He said he would appreciate if a process could be considered as such a process is not contained in the current County Development Plan. Councillor Cussen supported the motion and

pointed out the loss of native hedgerows had come up as an issue in the submissions received during the Celbridge Local Area Plan process.

**Resolved** on the proposal of Councillor Lynch, seconded by Councillor Redmond that this council investigates what type of appropriate (height x width) native shrubbery could be planted, ideally relatively maintenance free, in areas where grass cutting is or will be taking place so that appropriate planting will reduce the management needed of grass verge areas in estates, along roadways and in appropriate public areas, be referred to the Environment and Water Services SPC for discussion.

### **16/1017**

#### **Retail Strategy**

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

That this council develop an up to date retail strategy following on from the Draft Retail Strategy 2010 document. This important document will be an invaluable tool for this important sector for future employment and developing local enterprise and guide our council in future plan making.

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

A report from Mr P Minnock, Director of Service stated the requirement for a Regional Retail Strategy covering the Greater Dublin Area (GDA) has been set out in successive Retail Planning Guidelines for planning authorities issued since 2000, including the most recent in 2012. In accordance with these Retail Planning Guidelines it is envisaged that a review and update of the Regional Retail Strategy will be prepared in conjunction with the council, other local authorities in the defined area, the Department of Housing, Planning, Communities and Local Government and other designated agencies as appropriate.

The retail policies and objectives set out in the Kildare County Development Plan 2017-2023 (the CDP) provide a contribution to the review and update of the Regional Retail Strategy. They provide one component to the wider perspective and approach to strategic retail planning across the region. Consequently, to ensure consistency with the future multi-authority Regional Retail

Strategy, the retail policies and objectives of the CDP will be reviewed and a variation prepared, if appropriate.

Under the Retail Planning Guidelines of 2000 and 2005, the council was required to prepare a County Retail Strategy. These were issued as Draft County Retail Strategies in 2005 and 2010. Both of these provided the basis of the retail chapters of the 2005 –2011 and 2011– 2017 County Development Plans respectively.

Under the 2012 Retail Planning Guidelines, there is no longer a requirement for the council to prepare an individual County Retail Strategy. The guidelines solely require that the council must prepare a joint or multi-authority retail strategy with the other local authorities in the GDA. Changes introduced through the 2012 Retail Planning Guidelines are reflected in both the retail policies and objectives, and in the Development Management Standards chapter of the current Kildare County Development Plan.

Councillor Redmond accepted the position as outlined regarding the Regional Retail Strategy covering the Greater Dublin Area but stated this strategy does not take any cognisance of our surrounding counties such as Carlow, Laois, Offaly and as such we might look at a new strategy in the future. Mr Minnock stated there is no requirement or necessity for the council to create a new strategy and confirmed the current County Development Plan had been reviewed by a retail expert during the review process. He also noted that we are advised to await the Regional Spatial Economic Strategy from the Eastern Regional Midlands Authority before any work is done in this area.

**Resolved** on the proposal of Councillor Redmond, seconded by Councillor Cussen that the report be noted.

### **17/1017**

#### **United Nations Convention on the Rights of Persons with Disabilities**

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

With respect to the United Nations Convention on the Rights of Persons with Disabilities that the Chief Executive Officer will prepare a report for members setting out:

1. the current situation in relation to matters which the council has direct responsibility for,
2. an estimation of the areas and extent of unmet need relating to same,
3. the areas where engagement of this council with other public bodies would improve participation for people with disabilities and the names of those public bodies, and
4. the measures taken and planned by this council to ensure the participation and engagement by people with disabilities and their representatives in local decision making structures and mechanisms, with a view to budgeting and planning for 2018 and beyond for the council to advance implementation of the United Nations Convention on the Rights of Persons with disabilities.

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

A report from Mr Michael Hurley, Access Officer, Health & Safety Section stated the council is currently responsible for ensuring that all our public services are accessible which includes access to our buildings and infrastructure and access to information i.e. documents, website etc. The council has recently engaged Access Consultants to support us in the development of a universal access policy and action plan to address the key requirements of the Disability Act 2005, Equal Status Act and National Disability Inclusion Strategy 2017-2021 which will address United Nations Convention on the Rights of Persons with Disabilities. The council is currently benchmarking existing levels of accessibility within our local authority and an action plan is to be produced by Quarter 1 2018.

The council has already engaged with a number of other local authorities e.g. Monaghan County Council (on procurement), South Dublin County Council (Accessibility training and awareness), Tipperary County Council (The Gold Star project an initiative to improve levels of access and standard of service for people with disabilities). We also form part of a National Access & Equality Officers Network through the LGMA and will continue to use these resources going forward.

Stakeholder engagement will be addressed as part of our action plan that is currently being developed. The council is currently working closely with a number of local access groups around the county i.e. Kildare Access Group, Celbridge Access Group, Athy Access Group, Newbridge Access Group and the Naas Access Group to ensure those with a disability have a voice.

A report from Mr T McDonnell, Director of Service stated the National Housing Strategy for People with a Disability 2011-2016, published in 2011, and the associated National Implementation

Framework, which are joint publications by the Department of Housing, Planning, Communities and Local Government and the Department of Health were developed as a part of a coherent framework, in conjunction with the 'A Vision for Change' (the Government's mental health policy) and a 'Time to Move on from Congregated Settings' (the Report of the Working Group on Congregated Settings) to support people with disabilities in community based living with maximum independence and choice. These policies have been affirmed in Rebuilding Ireland: An Action Plan for Housing and Homelessness.

The vision of the Strategy is to facilitate access, for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated and sustainable manner, which promotes equality of opportunity, individual choice and independent living.

The strategy expects, while acknowledging the challenges, that this should be achieved within the mainstream housing environment. The core goal of the strategy is to meet the identified housing needs of people with disabilities locally whether they are currently living in the community and or in a congregated setting.

The four categories of disability referred to in the strategy are: (a) sensory disability (b) mental health disability (c) physical disability and (d) intellectual disability (and or autism).

The National Implementation Framework includes the following strategic aims:

Housing authorities will develop specific strategies to meet the identified housing needs of people with physical, intellectual, mental health and sensory disabilities locally. These strategies will be informed by the assessments of housing need and broader formalised consultation with relevant statutory agencies, service users groups and disability organisations. These strategies will form an integral part of local authority Housing Service Plans and will promote and support the delivery of accommodation for people with disabilities using all appropriate housing supply mechanisms.

In line with the development of specific disability housing strategies, housing authorities will consider reserving certain proportions of units to meet specific identified need within each disability strategy.

A Strategic Plan for Housing Persons with Disabilities was agreed by the Housing and Disabilities Steering Group on 30 November 2016 with the intention that the strategy will form an integral part

of the Housing Service Plans and will promote and support the delivery of accommodation for people with disabilities using all appropriate housing supply mechanisms.

The Strategic Plan identifies 267 applicants on the Kildare County Council housing list that have been assessed on the basis of disability need. Applications from congregated settings have been discounted from the 267 as they are accounted for separately. There are three congregated settings in County Kildare with approximately 177 people currently residing in the facilities.

Councillor Cussen stated this charter had been adopted 10 years ago but the Treaty had not yet been ratified. Councillor Cussen thanked Mr Hurley for working with the Access Groups on walkability studies in the Celbridge-Leixlip Municipal District area as these groups had provided invaluable feedback and the council should consider a budget stream for these groups. Mr N Morrissey, Director of Service agreed that the Access Groups do great work but that the issues identified on the audit in the Maynooth Municipal District alone amounted to €700K and encouraged all the other municipal districts to use pay-parking surpluses and LPT monies to fund these types of works.

Councillor Young suggested the use of Housing Adaptation Grants to carry out works on existing stock would give a greater return on addressing the needs in this regard rather than design specific housing units. Mr McDonnell indicated the requirement of the Strategic Plan for persons with Disabilities is 10/12% of housing units built must be of universal design and this includes Part V. The Mayor stated he had been at a Chomhairle na Nóg meeting recently where disability was uppermost on the agenda.

**Resolved** on the proposal of Councillor Cussen, seconded by Councillor Redmond and agreed by the members present that the report be noted.

## **Tairsceanna Láithreach (Nach feidhmeanna na Comhairle Contae iad)**

### **Current Motions (Non-Kildare County Council Functions)**

**18/1017**

#### **European Soils Directive**

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

That this council writes to the Minister for Communications, Climate Action and Environment requesting that this government pushes for a European Union Soils Directive which would safeguard Irish soils (supporting document attached).

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

A report from Mr T McDonnell, Director of Service stated this is a matter for the members to agree.

Councillor O'Neill stated this motion was borne out of an EU petition of 210,000 signatories supporting the introduction of this Directive given half the nutrients are gone out of our soil due to the overuse of chemicals/fertilisers. Councillor McLoughlin Healy supported the motion given this issue is contributing to the loss of vitamins and minerals in the healthy food choices we should be consuming. Councillor McLoughlin Healy suggested inviting Dr David Beacher, who specialises in soil science to make a presentation to the council on this issue. Councillor Young supported the motion and confirmed there are only 60 years of functionable arable land remaining due to intensive farming and the intensive use of pesticides/herbicides etc. and this issue is as serious as the issue of climate change. Councillor Cussen referenced her previous motion on the use of Roundup and asked if the motion could be referred to the Environment and Water Services SPC for discussion.

Mr J Boland, Director of Service stated he agreed with the sentiments of the motion and confirmed the intention that there will be a Soils Directive by 2020. He noted there is an expert group at EU level currently looking at issues relating to intensive farming, contaminated sites, erosion and land use policy relating to planning and environment. Mr Boland stated that linking the importance of this issue to climate change is an appropriate link and has no objection to the matter being referred to the SPC if the members so wished. He also asked that Councillor McLoughlin Healy forward the contact details of Dr Beacher to him as referenced previously.

**Resolved** on the proposal of Councillor O'Neill, seconded by Councillor McLoughlin Healy that this council writes to the Minister for Communications, Climate Action and Environment requesting that this government pushes for a European Union Soils Directive which would safeguard Irish soils (supporting document attached) and the item be referred to the Environment and Water Services SPC for discussion.

**19/1017**

**Restructuring Dublin Bus Services**

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

In the light of the high volumes of car commuters travelling to work in the Dublin area from Kildare, this council requests that in relation to the restructuring of Dublin Bus services as part of 'Bus Connects' account is taken of the related public transport and orbital route needs of commuters into the city from the Greater Dublin Area including Kildare; and invites a Dublin Bus and /or Bus Connects representative from the National Transport Authority to present an outline of their proposals for the restructuring of these services to Kildare County Council.

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

A report from Mr T McDonnell, Director of Service stated this is a matter for the members to agree.

Councillor Young stated that 40% of the working population of Kildare commute to Dublin to work. He confirmed he had attended a Bus Connects seminar recently with Ms Evelyn Wright, Senior Executive Officer and the day had focused on Dublin city and emphasised the need to integrate the redesign of the Greater Dublin Area to include Kildare. Councillor Young stated that before the National Transport Agency and Bus Connects agree their plan, they should be invited to present it to the council in advance of it being finalised. Councillor O'Neill supported this request. Councillor Murray also supported the motion given Maynooth is a University Town and the implications for it on this basis. The Mayor agreed and stated more public transport is needed and noted Local Link are trying to resolve local bus transport issues.

**Resolved** on the proposal of Councillor Young, seconded by Councillor Pender and agreed by all members present that in light of the high volumes of car commuters travelling to work in the Dublin area from Kildare, this council requests that, in relation to the restructuring of Dublin Bus services as part of 'Bus Connects', account is taken of the related public transport and orbital route needs of commuters into the city from the Greater Dublin Area including Kildare; and invites a Dublin Bus and /or Bus Connects representative from the National Transport Authority to present an outline of their proposals for the restructuring of these services to Kildare County Council.

The meeting concluded.