

KILDARE COUNTY COUNCIL
Minutes of meeting of Council
held at 2.00pm
Monday 25 February 2019
Áras Chill Dara, Devoy Park, Naas, Co Kildare.

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

Apologies: Councillors F Brett and P Ward.

Also Present: Mr P Carey, Chief Executive, Messrs J Boland, S Kavanagh, T McDonnell, P Minnock and N Morrissey (Director of Services), Ms F Millane (A/Head of Finance), Ms M McIvor (Meetings Administrator), Ms K Keane (Meetings Secretary) and other officials.

01/0219

Vote of Sympathy

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

Kathleen Hussey, mother of Geraldine Eaton, School Warden.

Doreen Morrissey, former Staff Officer, Housing Department

Una O'Brien Caulfield, sister of Margaret O'Brien, Finance Department

Alice Cullen, mother of Michael Cullen, Water Services

Mary O'Connor, former member of Staff in Housing Department

Nicholas (Nicky) Byrne, brother of Mary Byrne in Motor Tax

Mona Delmer, mother of Noreen Slevin, Planning Department

Kathleen Dolan, mother of Maire Dolan, DTTAS

Liam Sherry father of Annette Aspell Housing Department and uncle of Tara Dillon Corporate Services

Edward Whitley (Teddy Whitley), former driver Transportation Department

Stephen Hughes, son of Graham Hughes, Environment Department

A minute's silence was observed.

02/0219

Adoption of Minutes

The council considered the minutes of the monthly meeting of 28 January 2019 together with the progress report.

Resolved on the proposal of Councillor Hillis, seconded by Councillor Wall and agreed by the members present that the minutes of the monthly meeting of January 2019 be adopted and the progress report noted.

03/0219

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

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

04/0219

Section 183 Notices for Lease of Lands

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

- i. Lease of building at Basin Street, Naas to South Kildare/North Leinster Citizens Information Service CLG - 0.1516 hectares.
- ii. Lease of lands in Kilcullen Business Campus to Kelly Interiors – as outlined on drawing L/1232.
- iii. Disposal of Assumpta Terrace, Ballymore Eustace - 0.0104 hectares

Resolved on the proposal of Councillor R Power, seconded by Councillor Caldwell and agreed by the members present, pursuant to Section 183 of the Local Government Act 2001, as amended, that the council consents to the lease of the lands at i) and ii) above in accordance with the statutory notices dated 08 February 2019 and the disposal of lands at iii) above in accordance with the statutory notice circulated on 12 February 2019.

05/0219

Gnó and Mhéara/Mayors Business

The Mayor confirmed he had attended a number of events over the last month to celebrate the Chinese New Year to include one in Kildare Retail Village with the Chief Executive, Peter Carey.

He confirmed he had attended the launch of the Mid East Action Plan for Jobs by the Minister for Jobs, Enterprise and Innovation Ms Heather Humphries which was hosted by the Kildare LEO team on 07 February 2018. This event co-incided with the sod turning for the Merits Enterprise Innovation Hub Building which will create 120 jobs when completed.

The Mayor stated he attended Áras an Uchtaráin on 01 February St Brigids Day along with the Chief Executive and former Deputy Jack Wall and students from St Brigids Primary School in Kildare Town who presented St Brigids crosses to the President and his wife. This was to mark the start of a week long programme of activities commemorating the life of the Kildare native and Irelands first female patron saint.

The Mayor confirmed that Friday 06 April would be the Lilywhite Clean- up day.

The Mayor concluded by voicing his shock and disappointment that the councils request to hold the March meeting of full council on the Curragh Camp had been declined by the Defence Forces, without explanation. He stated this request had been borne out of a wish to further build relations with the Defence Forces to advance the betterment of the county and the Curragh and that it was both regrettable and disrespectful to treat the council with such disdain.

Councillor McCabe asked that the council write to the Minister for Justice, Taoiseach Leo Varadkar expressing our disappointment at this decision.

Resolved on the proposal of Councillor McCabe and agreed by the members to write to the Minister for Justice, Taoiseach Leo Varadkar expressing disappointment at this decision.

06/0219

Comhfhreagras/Correspondence

The Meetings Administrator confirmed 1 item of correspondence had been received and circulated to the members which related to a motion referral to all Kildare based Deputies regarding the Residential Tenancies Bill.

07/0219

Comhdhálacha agus Traenáil/Conferences and Training

The Meetings Administrator referred to the report dated 21 February 2019 circulated to the members.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Kennedy and agreed by all 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 the following retrospective approval granted for the attendance of Councillors T Murray, S Power, M Miley and F Brett at AILG Annual Training seminar on the 21 & 22 February in The Longford Arms Hotel, Longford and approval granted for the attendance of Councillors S Power and F Brett at the LAMA spring training seminar on the 7 & 8 March 2019 in the Bush Hotel, Carrick on Shannon, Co Leitrim and approval granted for the attendance of Councillors M Miley and T Redmond at the IPI Annual Planning Conference 2019 on 4 & 5 April in the Landmark Hotel, Carrick on Shannon, Co Leitrim

09/0219

To consider the Draft Annual Service Delivery Plan 2019

The Meetings Administrator confirmed that the requirement to prepare an Annual Service Delivery Plan was as set out under Section 50 of the Local Government Reform Act 2014. She confirmed the plan outlined objectives for service delivery for the year across the 11 service areas confirming its adoption as a reserved function.

Resolved on the proposal of Councillor Miley seconded by Councillor Redmond and agreed by the members present to approve the Draft Annual Service Delivery Plan 2019.

10/0219

Rescheduling of Meetings in May

The Meetings Administrator referred to the report circulated to the members dated 15 February which outlined that having regard to the local elections due to take place on Friday 24 May, the full

council meeting scheduled for that day would have to be rescheduled along with a number of Municipal District meeting date changes also. The Mayor proposed that only statutory business be listed for the May plenary meeting of full council and this was agreed by the members.

<u>Meeting</u>	<u>Original date</u>	<u>Revised date</u>
CPG	13 May	Thursday 02 May @ 9.30am
Full Council	27 May	Monday 13 May @ 2:00pm
Naas MD	21 May	Tuesday 14 May @ 3:30pm
Athy MD	20 May	Monday 13 May @ 11:00am (Áras Chill Dara)

Resolved on the proposal of the Mayor and agreed by the members present that the meeting date changes as outlined in the report, be approved and only statutory business be listed for the May plenary meeting of full council.

11/0219

Nomination from the Athy Municipal District Committee

The members considered the following nomination from the Athy Municipal District Committee to the Board of the Athy Community Enterprise Company CLG.

- Councillor Mark Wall.

Resolved on the proposal of Councillor Redmond seconded by Councillor Miley and agreed by all members present that Councillor Mark Wall be nominated to the Board of the Athy Community Enterprise Company CLG.

12/0219

Taking in Charge of Fanagh Green, Tirmoghan, Co Kildare

The members considered the proposed taking in charge of Fanagh Green, Tirmoghan, Co Kildare.

Resolved on the proposal of Councillor McEvoy seconded by Councillor Weld with the agreement of the members present, the taking in charge of Fanagh Green, Tirmoghan, Co Kildare was approved.

13/0219

Section 85 Agreement

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the proposed Section 85 agreement with South Dublin County Council in relation to the M4 Maynooth-Leixlip Road Improvement Scheme.

Resolved on the proposal of Councillor R Power, seconded by Councillor Fitzpatrick and agreed by the members present that Kildare County Council enter into a Section 85 agreement with South Dublin County Council in relation to the M4 Maynooth-Leixlip Road Improvement Scheme, under Section 85 of the Local Government Act 2001, as amended.

14/0219

Transportation, Safety and Emergency Services Strategic Policy Committee (SPC)

The Chair of the Transportation, Safety and Emergency Services Strategic Policy Committee, Councillor Darren Scully gave a report to the members on the work of the SPC and outlined the work programme for the year ahead to include the Rural Public Lighting Scheme, policy on fish eye mirrors, development of accessible and public realm streetscapes, permeability between housing estates and public roadways, a report on activities and developments from the Chief Fire Officer and the Access and Disability Officer and a bi-annual report from the Cycling Forum. He thanked the members of the SPC and the Director, Mr N Morrissey for their continued support and for all their work in this area.

The Mayor and members thanked Councillor Scully for his presentation and all those involved in the work of this SPC.

15/0219

Draft County Kildare Heritage Plan 2019-2025

A report was presented to the members by Ms B Loughlin, Heritage Officer in relation to the Draft County Kildare Heritage Plan 2019-2025. Following the presentation, a lengthy discussion took place and a number of queries were raised which were responded to by Ms Loughlin. The Mayor and members thanked Ms Loughlin for the valuable work she is doing on behalf of the council and for Kildare as a whole and asked the executive to consider assigning additional resources to the area of heritage.

The Chief Executive joined with the members in congratulating Ms Loughlin on the draft plan and for all the work she does in this area. He confirmed that following their approval, the Draft Plan would advance to public display with a view to being formally adopted by the members at the April full council plenary meeting.

Resolved on the proposal of Councillor Keatley, seconded by Councillor McCabe and agreed by the members present that the Draft County Kildare Heritage Plan 2019-2019 be agreed and advance to public display.

16/0219

Local Community and Cultural Strategic Policy Committee (SPC)

The Chair of the Local Community and Cultural Strategic Policy Committee, Councillor Kevin Byrne gave a report on the work of the SPC and outlined the work programme for the year ahead to include a Tree Policy, Open Space Strategy, Kildare Age Friendly Strategy 2019-2021, County Kildare Integration Strategy 2014-2019, Library Development Plan 2015-2019 and the County Heritage Plan. He thanked the members of the SPC and the Director, Ms S Kavanagh for their continued support and their work in this area.

The Mayor and members thanked Councillor Byrne for his presentation and all those involved in the work of this SPC.

17/0219

Presentation from Ms McNabb, Head of Local Enterprise (LEO)

The Mayor welcomed Ms McNabb, Head of Enterprise to the meeting to give a report on behalf of the Local Enterprise Office (LEO). Ms McNabb informed the members that the work of the LEO was hugely influenced by the Kildare Economic Forum, the Kildare County Council Economic, Planning and Enterprise SPC and the needs of the clients. Ms McNabb stated that 2018 was a record year for job creation for LEO's around the country with the Kildare LEO delivering the highest increase nationally ie. 235 jobs which equated to a 30% increase on 2017. She outlined the seven goals for the LEO for 2018-2019 and gave an overview of the success of Kildare businesses throughout the county in 2018. She also referred to work that was ongoing in relation to Brexit and supports and mentoring being carried out in this regard.

The Mayor and members thanked Ms McNabb for her presentation with the Mayor acknowledging the huge contribution the LEO team is making to the economic environment in Kildare.

The Chief Executive also wished to thank Ms McNabb and her team for their excellent work under the stewardship of Director Sonya Kavanagh. Mr Carey confirmed he chaired the EVAC

committee whose job it was to examine entrepreneurial input noting Kildare is in the top 3 in the country. He noted the working relationship with Maynooth University was integral to this success and in the use of smart intelligence systems in the roll out of business initiatives in the county.

Tuarascáil agus Moltaí ó Choistí **Committee Reports and Recommendations**

18/0219

Reports from the members nominated to External Bodies/Committees

- i. LAMA
- ii. Regional Drugs Task Force
- iii. Athy Heritage Company Ltd
- iv. Athy Community Enterprise Company CLG

The Meetings Administrator referred to the reports previously circulated to the members.

The Mayor noted that the LAMA report stated that meetings were held monthly with various politicians and relevant opposition members and should have read that "meetings are held monthly and on occasion, are also held with various politicians and relevant opposition members".

The Meetings Administrator confirmed this amendment would be reflected in the minutes adopted.

Councillor McLoughlin Healy stated she had brought the requirement for External Bodies to report, to the councils attention and queried who agreed the scheduling of these reports noting that the KWETB was the only External Body currently before the Public Accounts Committee and had not yet presented. The Mayor confirmed the scheduling of the reports were as agreed by the Corporate Policy Group and would be listed on the council agendas as such.

Resolved with the agreement of the members that the reports from the members on LAMA, Regional Drugs Task Force, Athy Heritage Company Ltd and the Athy Community Enterprise Company CLG, be noted.

Tairisceana Reatha Feidhmeanna na Comhairle Contae **Current Motions Kildare County Council Functions**

19/0219

Development Levies Scheme

The following adjourned joint motion in the name of Councillors Brett, Durkan, Hillis, Neville, Scully and Weld was considered.

That the council carry out a full review of the development levies scheme.

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

A report was received from the Planning and Strategic Development Department which stated that Kildare County Council's Development Contributions Scheme for the period 2015-2022 for was adopted by the members at its meeting on 05 November 2015.

The scheme takes account of the changes in local government structures around that time and the transfer of water services provision to Irish Water. It also has regard to the "Guidelines for Planning Authorities on Development Contributions", issued by the then Department of the Environment, Community and Local Government.

Contributions collected under the scheme part fund the council's capital programme and also provide matching funding for projects partly funded by central government.

The revenue has been used to fund a range of key public infrastructure such as roads that are necessary to support economic development, and for specific community benefit purposes such as recreational areas, parks etc.

Development Contributions are allocated as outlined in the following table.

	Residential	Commercial/Retail
Roads	47.5%	71.8%
Recreation & Amenity	34.5%	8.4%
Surface Water	11.5%	18.3%
Community	6.5%	1.5%

The scheme as adopted categorises development but does not list every type individually, eg. garages, integrated garages, etc. - items not listed specifically / individually are dealt with under the "miscellaneous" section.

Garages:

Ongoing application of the scheme identified an inconsistency in rates levied on this class of development.

Garages attached to a residential property attract the residential rate of €50psm. Garages adjacent to, but detached from, a residential property are charged the “miscellaneous” rate of €27.51psm.

E.G. - House 1: 150sqm €7,500
integrated garage 30sqm - €1,500 Total €9,000 (previously €9,000)

House 2: 150sqm - €7,500
detached garage 30sqm - € 825 Total €8,325 (previously €7,500)

This appears to be the issue that gave rise to the debate and the charging regime seeks to address this in part.

Agriculture:

Agricultural development charges are outlined below.

The first 600 sqm of non-residential development on any agricultural landholding is exempt.

Thereafter a rate of €10 per sqm applies.

Farm buildings and structures required to be constructed to comply with environmental protection regulations are exempt from development contributions.

Farm buildings and structures required to be constructed to comply with National Action Programmes implemented under the EU Nitrates Directive are exempt.

Equine:

The first 600 sqm of non-residential development on any equine landholding is exempt. A rate of €10 per sqm applies thereafter.

Horticulture:

The first 600sqm of development consisting of sheds, stores and other built structures is exempt. A rate of €5 per sqm applies thereafter. Polytunnels, glasshouses are exempt.

Quarries:

Rates for extractive industries are specifically included in the scheme.

Other Exemptions and Reduced Contributions

The scheme provides for a number of reductions and/or waivers including:-

- Residential extensions (first 40sqm exempt)

- Change of use planning permissions (100% reduction once development does not lead to new/additional infrastructure)
- Town centre developments (33% reduction)
- Protected structures (25% reduction on top of 33% town centre reduction, 50% reduction for non-town centre)
- Over-shop space (50% reduction for residential element)
- Small Enterprises / Start-up Businesses (reduction matches % of grant aid)
- Community facilities / sports facilities provided by Voluntary Organisation (Exempt)
- Renewable energy developments (50-100% reduction)
- Applications receiving Housing Adaption grants (100% reduction)
- Communications masts forming part of National Broadband Scheme (100% reduction)
- Advertising signs deemed ancillary to the structure, eg a fascia sign - exempt
- Voluntary organisations (development not for profit or gain) – exempt

Summary of the rates of charges:

1. Residential Development (Rate per sqm)

230	sqm and under -	€50
231	– 370sqm -	€56
371	sqm and over -	€65

1a) Residential Extensions

- 1st 40 sqm – exempt
- Thereafter rate per sqm €50 / €56 / €65 as above

2. Commercial Development (inc warehousing / industrial) (Rate per sqm)

250sqm and under -	€43.46
251 -3,000sqm -	€54.31
>3,000sqm -	€61.55

3. Retail Development (inc retail warehousing) (Rate per sqm)

- 100sqm and under - €39.82
- 101 -1,500sqm - €54.31

- >1,500sqm - €65.16

4. Car Parking Shortfall

€5,000 (rounded up to nearest whole space)

5. Open Space Shortfall

€100,000 per acre

6. Quarrying / Extractive Industry

€0.25 per m³ (based on proposed extraction volumes)

7. Waste Recovery Facility

€15,000 per hectare or part thereof

8. Landfill domestic houses

€15,000 per hectare or part thereof

9. Telecommunication Masts

€10,000 per mast

10. Wind Turbines

€10,000 per MW of capacity or part thereof

11. Advertising Structures (requiring planning permission)

€32 per sqm

12. Off-licence Premises

€1,000 “bring bank centre” contribution

13. Miscellaneous Developments (not listed individually above)

- Built * per sqm - €27.51
- Open per hectare - €1,500

Note*: “Built” applies to **all** developments including development not specifically defined in the categories of development set out above.

“Open” development not included in the categories above which involves the carrying out of works on in, over or under any land or the making of material change in the use of any land (e.g. surface storage, temporary car parking, motor trade forecourts, etc). The scheme when replaced can revisit any anomalies identified and consider rates of charge that will contribute to creating a

capital fund for much needed infrastructure while reflecting the need to encourage and sustain a range of community, amenity and commercial developments.

Councillor Durkan acknowledged the comprehensive report and asked if the nitrates directorate exemption could be added to equine development also. Mr Minnock advised the members that if there were particular cases the members had issue with, he would review these cases as required.

Councillor Weld proposed an amendment to the motion:

That in the context of a variation/full review of the County Development Plan 2017/2023 due to be commenced by quarter 3 of 2019, that the Planning Department carry out a parallel detailed analysis of the operation of the current Development Contribution Scheme to be undertaken as a basis for a new scheme.

The amended motion was proposed by Councillor Weld, seconded by Councillor Scully.

Resolved on the proposal of Councillor Weld, seconded by Councillor Scully and agreed by the members present that in the context of a variation/full review of the County Development Plan 2017/2023 due to be commenced by quarter 3 of 2019, could the Planning Department carry out a parallel detailed analysis of the operation of the current Development Contribution Scheme to be undertaken as a basis for a new scheme.

20/0219

Preparation for businesses/companies for Brexit

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

That the council identify a) the number of companies/plants in Kildare that are; a) involved in the Agri Meat industry and are selling into the UK from within the county b) volume sales value c) employees directly engaged and d) what measures/ proposals of support it has sought or what submissions of concern the council has made to Central Government Departments for those businesses to ensure that the impact of a Brexit or a No-Brexit Deal does not put them out of business.

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

A report was received from the Head of Enterprise informing the members that as a hub of advice, information and practical supports, Kildare Local Enterprise Office has been helping companies of all sectors across the country to manage their Brexit response through –

- Scorecards to help with planning
- One-to-one mentoring
- Specialist training and consultancy
- Financial supports
- Access to worldwide support networks
- Dedicated Brexit events

Regarding supports specifically directed, the beet producers /processing sector is highly regulated and supported by the Department of Agriculture and as such they have an expert BREXIT team in place and are best placed to support all their registered producers.

Councillor Moore noted the contents of the report stating parts a) to d) of his motion had not been dealt with and confirmed what he was really looking for was details in relation to local strengthening measures.

Ms Kavanagh stated that in addition to the LEO initiatives, Enterprise Ireland had given additional mentoring sessions to the business community on Brexit but that to date, take up on these had been relatively slow. She asked that if Councillor Moore had particular businesses in mind that he wished to query further, he should contact the LEO office and information would be provided directly to him in this regard.

Resolved on the proposal of Councillor Moore, seconded by Councillor Caldwell and agreed by the members present that the report be noted.

21/0219

Burial Records

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

That the council make provisions to make available any burial records for graveyards in County Kildare in the closest library to that graveyard.

The motion was proposed by Councillor Miley and seconded by Councillor Fitzpatrick.

A report was received from the Environmental and Water Services Department informing the members that Live registers have to be retained by the caretaker/keyholder for record purposes. However, a number of older cemetery registers are currently being digitalised as part of an ongoing heritage project in the County Library. It was envisaged that these records would be accessible to all when this project was finalised and it would be possible to carry out a search externally.

Councillor Miley thanked the Director and the Environment Section for their work in this area. Mr Boland stated they have taken Clane as the pilot and were happy to put resources into this important body of work and proceed with the projects as requested.

Resolved on the proposal of Councillor Miley, seconded by Councillor Fitzpatrick and agreed by the members present that the report be noted.

22/0219

Revenue generated from speed enforcement on M7

The following joint motion in the names of Councillors Doyle and Fitzpatrick was considered. That the council seeks allocation of all revenue generated through speed enforcement fines imposed on the M7 for the duration of the upgrade, to be ring fenced for road improvement works on routes that are experiencing increased levels of traffic as a result of traffic diverting to avoid M7.

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

A report was received from the Roads Transportation and Public Safety Department informing the members that any fines paid due to speeding offences imposed by the GoSafe Vans and/or An Garda Siochana are payable to An Garda Siochana. Therefore, this income is not available to Kildare County Council.

Kildare County Council continuously advocates for an increase in annual Road Grants and our allocation for 2019 (see attached) shows an increase based on comparisons with recent years.

Once the Sallins Bypass project is completed a limited amount of funding will be made available to allow for minor repairs to Regional and Local Roads caused by this project.

Councillor Fitzpatrick noted the contents of the report and confirmed they he and Councillor Doyle had raised the issue due to the damage being done to the ancillary roads because of traffic trying to avoid the M7 works.

Mr Morrissey confirmed that this matter is brought up at every meeting with Transport Infrastructure Ireland and the increase in road grants given for 2019 is a reflection of them having heard the message given.

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

23/0219

Mattress Amnesty

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

That the council extend the Mattress Amnesty to the whole county on one day possibly to coincide with the 2019 Kildare Lily White Clean Up Day.

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

A report was received from the Environmental and Water Services Department informing the members of that the lilywhite clean-up day was set for Saturday 06 April 2019.

However, the mattress amnesty will not take place on this date as the project will require a specific budget due to costs involved ie. provision of collection point and delivering mattresses to recycling facility. The costs will be in the region of €60,000/€70,000 and the event will be required to be spread over a number of days. The proposal will continue to be monitored and may be considered for 2020 (budget pending).

Councillor Kelly expressed her disappointment with the report and her surprise in relation to the costs given for such a project. Mr Boland noted the member's comments and confirmed he would keep them further advised in this regard.

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

24/0219

Climate Action Plan

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

That the council develops a Climate Action Plan in tandem with the Regional Office located in the council to deliver tangible results in the next five years and that such a plan includes targets for reduction on dependency on fossil fuels, commitments to sustainable materials used in all developments and water conservation.

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

A report was received from the Regional Co-Ordinator, Eastern & Midlands CARO informing the members that there are two aspects to Climate Action. The first relates to 'adaptation' which implies a (statutory) obligation to adapt to the inevitability of climate change. The second relates to 'mitigation' which seeks to address the fundamental causes of climate change, mainly involving the reduction of emissions. The council's approach to both elements is outlined hereunder:

Adaptation:

Kildare Co. Council is statutorily committed to developing and adopting a Climate Change Adaptation Strategy by the 30 September 2019. This strategy will be developed in accordance with the Department of Communications, Climate Action and Environment guidelines. In addition to the tangible actions included, this will also be a vehicle to commence the process of developing capacities and raising awareness of climate change issues within the county. The strategy, once completed, will set a range of practical goals for Kildare County Council to initiate climate change adaptation measures across the range of services provided locally.

Mitigation:

In addition to the above, the council has resolved to become a signatory to the EU Covenant of Mayors. In turn, this will lead to enhanced co-operation and support for the council at regional, national and European levels, in addition to fostering recognition and visibility of Kildare County

Council's climate & energy action commitments. Becoming a signatory also requires Kildare County Council to prepare a Sustainable Energy and Climate Action Plan (SECAP), which will set out targets for reducing dependency on fossil fuels and committing to sustainability in a range of areas, including:

- Reducing CO2 (and possibly other greenhouse gas) emissions in the county by at least 40% by 2030, namely through improved energy efficiency and the greater use of renewable energy sources;
- Increasing resilience by adapting to the impacts of climate change;
- Sharing our vision, results, experience and know-how with fellow local and regional authorities within the EU and beyond through direct cooperation and peer-to-peer exchange, namely in the context of the Global Covenant of Mayors.

Councillor Ó'Cearuil stated he was happy with the outcomes from the Climate Change Strategy noting that councils are having significant public participation in devising these plans and getting the public involved is the way to make a difference.

A discussion took place amongst the members with the following issues raised:

- Environmentally friendly methods of house construction
- Significant campaign against wind and solar farms and still no Department Guidelines on the matter
- Support locally for the Covenant of Mayors
- The council's participation in Earth hour taking place on the 30 March

Mr Boland thanked the members for their interest in this area stating public participation is so important noting it was hoped to have an initial working draft of the Strategy to the members shortly. He stated the EU Covenant of Mayors was intended to connect with local communities and that each Government Department have been tasked with putting a strategy in place to reduce the carbon footprint in their area.

Resolved on the proposal of Councillor Ó Cearúil seconded by Councillor Kelly and agreed by the members present that the report be noted.

25/0219

Public Participation Network

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

That the council outlines the Public Participation Network work program for 2019 and to include details of any public meetings and the expected output and goals for 2019.

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

A report was received from the PPN Co-ordinator, outlining the details of the 2019 work programme and the details of the public meetings and the expected goals for 2019.

Councillor O'Neill noted the contents of the report but stated she had recently been contacted by five different community groups in five different areas who had all commented on the inefficiencies of the PPN in Kildare citing a number of examples. She stated she was aware the PPN did not report to Kildare County Council but that its public perception was not good and that it should be acting as a conduit to increase public participation.

A discussion took place amongst the members following which, Ms S Kavanagh confirmed that the PPN is a completely different structure to the local authority and is not under the council's governance. She confirmed she had taken note of the issues raised by the members which she would feedback and added that national structures are providing training and grants in this area but acknowledged further training was needed for new members.

Resolved on the proposal of Councillor O'Neill seconded by Councillor Ó'Cearúil and agreed by the members present that the report be noted.

26/0219

Town Renewal Plans

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

Following announced cuts to national capital projects, that this council confirms that it does not accept cuts or deferrals to Town Renewal Plans or any planned, announced or progressing plans in this county and that; a) we ask the relevant ministers to confirm that funding is still in place and not delayed for these projects and b) we seek an impact report on same from this council.

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

A report was received from the Economic, Community and Cultural Development Department informing the members that this is a matter for the members to agree however to date, Kildare County Council has not received notification of any cuts or deferrals such as those outlined in the motion.

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

27/0219

Successful Sports Teams/Individuals

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

That the council puts a mechanism in place to invite successful sports teams or individuals to an organised event in the council chamber, to acknowledge their achievements.

The motion was proposed by Councillors Neville and seconded by Councillor Stafford.

A report was received from the Kildare Sports Partnership informing the members that Kildare County Council have organised a number of these evenings in the past and it is intended to organise another of these events in the coming months.

Councillor Neville stated these types of events have been held in the past and that recently a number of Leixlip teams have been successful and he would like to see these achievements marked. Following discussion, there were a number of suggestions from the members including the possibility of a bi-annual awards scheme, whether the municipal districts should consider putting arrangements in place for their own events and the provision of a budget for this purpose.

Ms Kavanagh noted that a commitment had been given in the report to the members. Councillor Neville stated he was happy that the matter was receiving attention.

Resolved on the proposal of Councillor Neville seconded by Councillor Stafford and agreed by the members present that the report be noted.

28/0219

“Mixed-Tenure”

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

That the council resolves to review its commitment to 'mixed-tenure' as the basis for public housing in Kildare and invites Professor (details supplied) to present a report to the council on the relevant research in this area, as a contribution to this review.

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

A report was received from the Housing Department informing the members that the County Development Plan, at Chapter 4 – Housing, identifies as an aim:

“To facilitate the provision of high-quality residential developments at appropriate locations in line with the settlement strategy. To ensure the provision of appropriate densities at suitable locations; to include an appropriate mix of house sizes, types and tenures in order to meet a variety of household needs and to promote balanced and sustainable communities.”

It goes on to identify that the council has obligations to ensure that sufficient land is zoned for all types of housing to meet the projected housing requirements of the county over the period of the Plan 2017-2023.

Any housing proposals by Kildare County Council or an Approved Housing Body are required by the sanctioning authority (the Department of Housing, Planning & Local Government) to comply with the Quality Housing for Sustainable Communities Guidelines which were published by the Department in 2007.

It is a matter for the members to agree whether they wish to invite someone to present a report. It is considered that an appropriate initial forum would be either of the Housing or Economic Development, Enterprise and Planning SPC's, or a joint meeting of both SPC's.

Councillor Young noted the contents of the report stating there was public discourse in the response and that ultimately what was being suggested was a delay in the building of social housing. He noted the delivery of units through Part V was not working given the high costs especially in North Kildare and that there was British and Irish research done that challenges the merits of mixed-tenure as a cause of ghettoization. Councillor Young confirmed he had attended a

conference recently where Professor Tony Fahey had spoken and stated a discussion needed to be had on this matter and that in his view, unless local authority housing is built in significant volumes the housing crisis will continue.

A discussion ensued amongst the members where the following issues were raised:

- How people with physical and intellectual needs, can be accommodated within the current system
- Advocacy groups are becoming more marginalised
- Announcement made on funding being available for people to downsize, no detail on where they are going to go
- Councils have become over reliant on Approved Housing Bodies

Mr McDonnell noted the points raised and responded as follows:

- Irish Society demographics are changing quicker than the market can react to it which causes difficulty in the type of units demanded
- Part V is only one method of delivery of housing units
- Developers have to build in accordance with disability regulations/requirements
- Acquisitions and turnkey units whilst not the councils first choice, make up a necessary part of the suite of housing options being
- Preference is always for local authority new build but all options have to be considered and availed of where possible.

Mr Minnock welcomed the discussion and stated mixed-tenure is always a necessary consideration in a development noting that 25% of housing stock nationally is now occupied by one person. He noted that the rental system is becoming more attractive now and that the HAP scheme was only ever intended as a short term response.

Mr McDonnell confirmed that he and Mr Minnock would be meeting with all relevant housing agencies and private developers collectively in relation to private and social housing and this meeting would take place in the very near future.

Resolved on the proposal of Councillor Young seconded by Councillor Pender and agreed by the members present that the report be noted and Professor Fahey be invited to make a presentation to the Housing SPC on 07 March 2019.

29/0219

International Travel and Subsistence Expenses

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

That the council provide a report of all international travel and subsistence expenses incurred by councillors and executives between 2014 to present; to include a report of intended benefits to the tax-payers of the trip and any and all reports provided by executive or councillors on their return.

The Mayor confirmed that Councillor McLoughlin Healy had asked that her motion be deferred to the March meeting to enable all relevant information to be available.

30/0219

Review of Electoral Register

The following joint motion in the name of Councillors McEvoy, Kennedy, Larkin, Murray and McCabe was considered.

That the council considers the following as part of a submission on the review of the maintenance of the electoral register, subject to appropriate protection of the privacy of electors and that the revised approach to maintaining the electoral register permits:

- Use of Geographical Information Systems to illustrate the locations of elector addresses with respect to electoral boundaries
- The election of public representatives to the Seanad and regional bodies
- The Central Statistical Office to conduct online surveys
- Local authorities to conduct online consultation on proposed works and policies
- Local authorities to conduct online plebiscites
- Use of the PPS number to evidence contemporaneous links of an elector to an address

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

A report was received from the Corporate Services Department informing the members that the members may be aware that the Department of Housing, Planning and Local Government are currently facilitating a public consultation process regarding reform of the Electoral Register process. More information is located at www.registerreform.gov.ie

This information has also been published on the Council's website and the closing date is the 15 March 2019. It should be noted that in the interests of transparency, all written submissions

received will be made publicly available on the Department's website.

The Electoral Acts require the council to maintain the register for electoral purposes and very limited additional statutory purposes only (e.g. Juries Act, Constitutional Convention). This provision is extremely explicit in that the legislation outlines that it is an offence to use same for non-electoral purposes.

Indeed in prior consultation (before the commencement of GDPR) with the Data Protection Commission, this matter has been described as subject of "a protective legal provision which specifically prohibits the use of electoral data outside the purposes prescribed in the Electoral Act" Persons may consent for inclusion on the Edited register for marketing purposes but this required a specific prior amendment to the relevant electoral legislation.

In terms of the content of the motion, subsequent use of address or contact details of persons to make contact regarding online consultation or plebiscites (or in any way process such data) would be contrary to the legal purposes for which the data was collected and would be outside the reasonable expectation of persons as to how their data was going to be used, when they were added to the electoral register.

However, the Data Protection Act 2018 (Section 60) allows for certain uses of personal data without the consent of persons, where necessary and proportionate.

While Section 60 of the DPA 2018 outlines public interest provisions that may permit the setting aside of certain aspects of the GDPR, the legislation is untested in the courts and it would be imprudent to consider its application, certainly on the scale suggested and certainly when there is primary legislation making alternative uses of the electoral register an offence.

It is noted however that Section 60 allows for the Minister to make regulations related to public interest and this may be an appropriate route for this proposal, combined with amendment to the primary electoral legislation to avoid legal issues. The council is aware that the Data Protection Commission will be preparing, in consultation with the relevant Government Departments, regulations required under Section 60. In addition it has been communicated to the Council that the Data Protection Commission will be consulted as part of the Department's proposed reforms of the Electoral Register.

Therefore, in the absence of either a legal basis under the Electoral Acts or the Data Protection Act 2018, the only alternative basis would be amending regulations/legislation to accommodate the proposals.

Best practice would require that where personal data is processed on such a large scale and reforms are planned that the Department conduct a Data Protection Impact Assessment. Guidance of the Data Protection Commission would require that public consultation be conducted as part of this process. Therefore further consultation may be likely at a later stage in this process.

For now however, based on the previous comments, the best route for the proposal is for the members to either make a more detailed submission to the Department or for the motion to be forwarded to the Department as a submission as part of the consultation process in the name of the proposing elected members.

Following some discussion by the members, they agreed that a submission as outlined to be made on their behalf.

Mr McDonnell confirmed the executive would also be making a submission and that it was open to the members as a collective or individually to make submissions. He confirmed 15 March 2019 as the closing date.

Resolved on the proposal of Councillors McEvoy seconded by Councillor Larkin and agreed by the members present that a submission be made as outlined in the motion and referred to the Department on behalf of the members of Kildare County Council.

31/0219

New projects for communities

The following joint motion in the name of Councillors Breslin and Wall was considered. That the council urgently request a meeting with the Minister for Education to discuss progress on much needed projects for our communities such as new school building projects along with any proposed extensions.

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

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

Councillor Wall outlined a number of issues with regard to education facilities in the south of Kildare citing the examples of the secondary school on the Curragh School SKETB, the new extension for Athy College costing €11 million and the 16-year history behind calls for improvement works on St Pauls in Monasterevan and the fact that now the pre-tender qualification has been challenged in the High Court.

Councillor Breslin emphasized the importance of this issue, especially for the people of Monasterevan and sought the members support in their request to meet with the Minister for Education in relation to school facilities in Kildare.

Resolved on the proposal of Councillors Breslin seconded by Councillor Wall and agreed by the members present that the council urgently request a meeting with the Minister for Education to discuss progress on much needed projects for our communities such as new school building projects as outlined, along with any proposed extensions.

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

32/0219

Phased bans on environmentally unfriendly items

The following adjourned motion in the name of Councillor Lynch was considered
That this council calls on both the Department of Communications, Climate Action and Environment and the Department of Business, Enterprise and Innovation to be both proactive and symbiotic with their investment and energy policies and introduce phased bans on environmentally unfriendly items such as unrecyclable plastic bags and film while setting up investment funds that specifically seek to develop alternatives to these products. This fund could be administered through the Local Enterprise Office and we ask the Departments to issue a response to this investment funding request.

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

A report was received from the Corporate Services Department, on behalf of Councillor Lynch, informing the members that to clarify, Enterprise Ireland was the government organisation responsible for the development and growth of Irish enterprises in world markets. It works in partnership with Irish enterprises to help them start, grow, innovate and win export sales in global markets. In this way, they support sustainable economic growth, regional development and secure employment. Currently Enterprise Ireland or the Local Enterprise Offices are not doing what is requested in this motion as it needs to be tied in with national policy.

Examples of possible initiatives on a phased in ban/high levy on are as follows;

- non-recyclable film / plastics and investment round for the development of domestic alternative solutions.
- bleaches / household chemicals and investment round for the development of domestic alternative solutions.
- non edible / biodegradable silage wrap and netting and investment round for the development of domestic alternative solutions.

Resolved on the proposal of Councillors Lynch seconded by Councillor Redmond and agreed by the members present that this council calls on both the Department of Communications, Climate Action and Environment and the Department of Business, Enterprise and Innovation to be both proactive and symbiotic with their investment and energy policies and introduce phased bans on environmentally unfriendly items such as unrecyclable plastic bags and film while setting up investment funds that specifically seek to develop alternatives to these products.

The meeting concluded.