

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Council**  
**held at 2:00 p.m.**  
**Monday 25 November 2019**  
**Áras Chill Dara, Devoy Park, Naas, Co Kildare.**

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

**Apologies:** Councillors N Ó'Ceairúil and P Ward

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

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**01/1119**

**Vote of Sympathy**

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

Roisin Talbot, Mother of Orla Talbot, Local Enterprise Office

PJ Mahon, Father of Ann Quinn, Finance

Mr Martin O'Donnell father of Shane O'Donnell, Planning

Ann Nolan Dempsey daughter of former councillor and Cathaoirleach Michael Spike Nolan Snr deceased and sister of former councillor and Cathaoirleach Michael Spike Nolan Jnr

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The Meetings Administrator also confirmed that a Book of Condolence had been opened by the Caithaoirleach for the late Gay Byrne.

A minute's silence was observed.

#### **02/1119**

##### **Adoption of Minutes**

The council considered the minutes of the monthly meeting on 21 October 2019 together with the progress report.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Moore and agreed by the members present, that the minutes of the monthly meeting on 21 October be adopted. The progress report was noted.

#### **03/1119**

##### **Chief Executive's Monthly Management Report**

The members noted the Chief Executives monthly management report.

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

#### **04/1119**

##### **Section 183 Notices for Lease of Lands**

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

- i. Disposal of land at Cluain Ailbhe, Nancy's Lane, Collegewood Manor, Ballinagappa Road, Clane.

**Resolved** on the proposal of Councillor McEvoy, seconded by Councillor Fitzpatrick and agreed by the members present, pursuant to Section 183 of the Local Government Act 2001 as amended, that the council consents to the disposal of the lands at i) above in accordance with the statutory notices circulated on 08 November 2019.

**05/1119**

**Audit Reports**

The members considered the following reports on the audit of the Annual Financial Statements 2018:

- i. Audit Committee Report in accordance with Section 121 Local Government Act 2001, as amended.
- ii. Unmodified Audit Opinion.
- iii. Local Government Audit Service Statutory Audit Report.

Councillor S Moore, Chair of the Finance Committee and elected member representative on the Audit Committee briefed the members on the composition of the Audit Committee noting they had already held a number of meetings in October and November and were due to hold another meeting in December.

He confirmed that under the guidance of the Chairman of the Audit Committee, Dr Moling Ryan, the committee had received briefings on responsibilities on a wide range of Local Authority headings. These included Audit Committee Charter & Guidance Lines/ Internal Audit Function/Public Spending Codes on Revenue & Capital Spends/ Audit Tracker Systems/ Anti-Fraud & Corruption Policy Update/Departmental Risk Register & Audit report and a work schedule for the Audit Committee. The committee were also briefed on an Internal Audit Programme by Ms Mairead Sweeney, for different departments of council services over the coming twelve months.

Councillor Moore stated that the Audit Committee had studied the report of the Local Government Auditor, Mr Eamonn Daly at their November meeting and that every section of his report was read and examined and commented upon where suitable. Mr Daly was invited to meet the Audit Committee where he answered questions on the workings, safeguards and risk areas of Kildare County Council. Councillor Moore stated that Mr Daly had complimented the council staff on his findings and was happy to sign off on the Kildare County Council Audit as 'UNMODIFIED' and stated he was happy with the service performance from Kildare County Council.

Councillor Moore concluded by stating that based on the findings of the Local Government Auditor the councillor representative members were happy to recommend the adoption of The Auditors Report and thanked the Finance Staff and all staff involved with the workings of Kildare County Council.

Councillor Moore stated that the Chairman of the Committee had indicated his interest and willingness to meet the members later in his first-year term of office, when he will present the Annual Report.

The Chief Executive thanked Councillor Moore and stated he was very satisfied that again, Kildare County Council's Annual Financial Statement was correct and unmodified. He thanked all the staff involved, especially Ms B Sweeney and Ms Millane of the Finance Department, for the excellent work they were doing in this regard.

### 06/1119

#### **Nomination and Appointment of Members**

The members considered the nomination and appointment of members to the following:

##### Committees of the Council

Appointment of one member to the **County Kildare Twinning Committee**

Appointment of one member to the **Decade of Commemoration Committee**

##### Other Bodies

Appointment of two members to the **Allenwood Community Development Association Ltd.**

Councillor Kelly proposed Councillor Daragh Fitzpatrick to the County Kildare Twinning Committee, Councillor Keatley seconded this proposal. As there were no other nominees, Councillor Fitzpatrick was appointed to the County Kildare Twinning Committee.

Councillor Caldwell proposed Councillor Patricia Ryan to the Decade of Commemoration Committee, Councillor Cussen seconded this proposal. As there were no other nominees, Councillor P Ryan was appointed to the Decade of Commemoration Committee.

Councillor Fitzpatrick proposed Councillor Brendan Weld to the Allenwood Community Development Association Ltd, Councillor Keatley seconded this proposal.

Councillor Kelly proposed Councillor Daragh Fitzpatrick to the Allenwood Community Development Association Ltd, Councillor Weld seconded this proposal.

As there were no other nominees, Councillor Brendan Weld and Councillor Daragh Fitzpatrick were appointed to the Allenwood Community Development Association Ltd.

**Resolved** that Councillor D Fitzpatrick be appointed to the County Kildare Twinning Committee, Councillor P Ryan be appointed to the Decade of Commemoration Committee and Councillors B Weld and D Fitzpatrick be appointed to the Board of the Allenwood Community Development Association Ltd.

**07/1119**

**Comhairle na Nóg**

The Cathaoirleach welcomed Chloe Geoghegan, Yvonne Farrell and Evan Pereira from Comhairle na Nóg to the meeting. Ms Geoghan thanked the Cathaoirleach for the invite confirming there were 31 Comhairle na Nóg panels around the country with the focus this year being on mental health and the impact on teenagers. Ms Farrell stated that in this regard, the Comhairle had organised workshops in schools on this topic and the feedback had been overwhelmingly positive. She confirmed that further workshops on the use of drugs and alcohol would be rolled out over the next 2 years. Mr Ryan then asked the members to consider nominating two members of the Comhairle na Nóg to each SPC as young people needed to have a voice in policy making decisions that affected their future and that as a recognised body, Comhairle na Nóg should have a say in how the county is being run.

The Cathaoirleach and members thanked Ms Geoghan, Ms Farrell and Mr Pereira for their very informative presentation and stated it was encouraging to see such interest and passion in relation to decision making in local politics. Councillor Doyle thanked Councillor Farrelly for his motion asking that the Comhairle be invited to a council meeting and stated there could be scope through the PPN for members of Comhairle na Nóg to be represented on the SPCs and asked that this be considered during the SPC scheme review process.

Councillor Farrelly thanked the members for their support on his first ever motion to the council inviting Comhairle na Nóg to a meeting of full council. He stated that county Kildare had the youngest age profile in the country and there was a huge interest within Dáil na Nóg and the Comhairle, for the younger generation to get involved in local politics and to play a role.

The Chief Executive joined with the Cathaoirleach in congratulating the group noting that Kildare County Council was committed to delivering services to the youth via its libraries, skateparks, youth café ie. the Hive in Kildare Town and encouraged the younger generation to get involved at every opportunity at local level.

**08/1119**

**Draft Corporate Plan 2019-2024**

Ms Mclvor outlined the background to the review of the Corporate Plan which serves as the local authority's strategic framework for action during the lifetime of the council. She confirmed the plan had been drafted in accordance with the relevant legislation, the Guidelines issued for Local Authorities in the preparation of Corporate Plans for 2019-2024 and having regard to the NOAC report on Corporate Plans.

Ms Mclvor outlined that the plan had been prepared based on an organisation-wide strategic approach with clear link to business plans, budgetary process, PMDS and Annual Service Delivery Plans. She stated consultation had taken place with CPG, elected members and there had been broad consultation with staff at all levels across all services. External bodies such as the LCDC, PPN, community, voluntary and business sectors had also been consulted. She also outlined the differences from the last Corporate Plan which had been updated to reflect changes in the last 5 years ie. LEO, LECP etc were now embedded and a chapter on achievements from the last plan and an appendix containing baseline measures, were now also included.

Ms Mclvor concluded by stating there was a change in focus to the previous plan and while community development, economic development and enabling infrastructure continue to be integral components, the new areas are climate change and innovation and as with the previous plan, reports will be given annually on all progress.

The Cathaoirleach thanked Ms Mclvor for the presentation noting the vast amount of work that had gone into the preparation of the plan. The Chief Executive also thanked Ms Mclvor and her staff for the work that had gone into preparing such a comprehensive document. Ms Mclvor expressed her thanks to Mr Tony Shanahan and Ms Avril Cummins in the Corporate Services department for all their work and assistance in compiling the plan.

**Resolved** on the proposal of Councillor Liston, seconded by Councillor McEvoy and agreed by the members present that the Corporate Plan 2019-2024 be approved.

**09/1119**

**Meetings calendar for 2020**

The Meetings Administrator referred to the draft calendar and report circulated previously which outlined the proposed dates of meetings for 2020 and changes from that agreed previously.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Keatley and agreed by all members present, the meetings calendar for 2020 was approved.

**10/1119**

**Gnó an Chathaoirleach/Chairs Business**

Councillor Doyle stated that she had been delighted to represent the council at a recent event in Intel to celebrate it being 30 years in operation in Leixlip. She stated that she was joined by the Chief Executive Peter Carey, the Director of Economic Development Ms S Kavanagh and the Head of the Local Enterprise Office Ms J McNabb. She stated that to date, Intel had invested €15 billion in Kildare with sanction for a further €3.5 billion investment which would result in 1500 jobs in Intel itself and 5,000 construction jobs.

**11/1119**

**Comhfhreagras/Correspondence**

The Meetings Administrator confirmed 7 items of correspondence had been received and circulated to the members, which comprised of 6 resolutions from other local authorities and 1 accompanying presentation.

**12/1119**

**Comhdhálacha agus Traenáil/Conferences and Training**

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

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor McEvoy and agreed by the members present having regard to Section 142(5) of the Local Government Act 2001, as amended by Section 53(2) of the Local Government Reform Act 2014 the following retrospective approval was granted for the attendance of Councillors Keatley and Neville at the LAMA Autumn Training Seminar on the 17-19 October in the Falls Hotel, Ennistymon and for the attendance of Councillors Cussen, Ryan, Behan and Caldwell at the AILG Module 5 Training on the 21 November in the Hudson Bay Hotel, Athlone.

**13/1119**

**Kildare County Council's Parking Policy**

The members considered the report circulated by the Roads department in relation to Kildare County Councils Parking policy, adopted by the members in May 2016, which states "Any other

suspension of Parking Bye-Laws or arrangements for free parking will only be considered in exceptional circumstances or as otherwise agreed by Full Council.

Mr Morrissey outlined that this proposed policy change related to the charging of electric vehicles following a previous motion by Councillor Clear that had been approved by council -

- Increase the observation period for EV vehicles parked in a designated EV charging bay (while actively charging) from the current 15-minutes to a 1-hour observation period. (Observation periods are not written into the Bye-Laws and can be amended without an associated review).
- Where an EV is parked and "actively charging" in a designated EV space, when a Traffic Warden first observes the vehicle s/he will take note of the vehicle registration, date and time, similar to observing for current pay and display 15-minute observation periods. Following the expiry of the 1-hour observation period (irrespective of whether the EV is continuing to charge), the Warden may issue a fixed charge notice if the appropriate pay and display fee/ticket is not visible.
- If an EV is not actively charging, an observation period will not apply and a fixed charge notice may be issued for non-payment of the relevant parking charge.
- A designated EV space may only be used by an EV. A fixed charge notice may issue for unauthorised parking in an EV designated space.

Councillor Clear thanked Mr Morrissey for the report and stated he was happy with the proposals as outlined and asked the members for their support in this regard. The Cathaoirleach asked that if approved, the Roads department to advertise these changes as widely as possible. She also noted this was Mr Morrissey's last meeting as he was the leaving the council at the end of the week to take up a new job and wished him well and thanked him for his work during his time in Kildare. The members joined with the Cathaoirleach in wishing Mr Morrissey well and thanked him for all his work during his time as Director of Roads, Transportation and Public Safety in Kildare County Council.

**Resolved** with the agreement of the members present that Kildare County Councils parking policy be amended as outlined and the changes to the policy, related to the charging of Electric Vehicles, be advertised as widely as possible.



14/1119

**Protocol and Procedures Committee**

The Meetings Administrator referred to the report that had been previously circulated, including a infographic setting out the process of how items get referred to and are dealt with by the Protocol and Procedures Committee. She also confirmed that the majority of the work carried out by the committee to date had been in relation to the review of Standing Orders. Ms McIvor also noted that the software update was ongoing in relation to the systems in the council chamber and asked for the members patience whilst the upgrade was taking place.

Councillor McLoughlin Healy stated she was concerned by the infographic and that it was not within the Protocol Committee's remit to adjudicate on what would and would not be considered as this was a decision of council and she did not feel it was appropriate that the committee would usurp their position in making these decisions.

By way of clarification, Councillor McEvoy outlined that the new members on the Protocol and Procedures Committee had requested clarity around how items get to the committee and the workflow diagram had been prepared to assist in demonstrating how the process would work. He confirmed that once a motion was approved to go to Protocol by council, it would be considered in the way that was set out in the infographic. Councillor McLoughlin Healy stated that once motions are passed by council, they must be considered by the Committee. Councillor McEvoy reiterated the point that there was nothing in the infographic that stated this would not be the case.

**Resolved** with the agreement of the members the infographic from the Protocol and Procedures Committee was noted.

15/1119

**River Basin Management**

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

That the council clarifies who is responsible for River Basin Management in County Kildare.

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

A report was received from the Water Services and Environment Department informing the members that the Water Framework Directive (WFD) adopts a holistic approach which covered all waters including rivers, lakes, canals, groundwater, transition and coastal waters. The River Basin

Management Plan 2018 - 2021 was published in April 2018. The priorities identified in the Plan are:- compliance with existing EU Legislation; prevent deterioration in status; meet water quality objectives for dependent protected areas; protect High Status waters; and prioritise sub-catchments for targeted actions and pilot schemes. The Priority Areas for Action during this cycle in County Kildare are the Athy Stream, Graney/Lerr, Barrow (water bodies near Monasterevin and Athy), Blackwater (Longwood), Morell and the Clonshanbo/Lyreen.

The status of water bodies is determined by the ongoing biological and physical/ chemical water quality sampling and analysis of our waters. Kildare has forty-six operational monitoring stations which are sampled six times per year and six surveillance monitoring sites, which are sampled monthly. A monitoring programme, as required by the Salmonid Regulations, is also being implemented, as are monitoring programmes in certain water bodies for investigative purposes. The council is responsible for the maintenance of specific drainage districts. These are: Barrow, Lerr, Greese, Connell, Kildare (Slate) and Baltreacy. Any watercourse outside of these districts are the responsibility of the local riparian landowner. Works within these districts are subject to environmental and health and safety constraints.

Councillor P O'Dwyer thanked the Director for the report noting the issues that had been raised with her were in relation to who was responsible for trees/leaves in the rivers that were causing flooding and who was responsible for cleaning the rivers etc.

In response, Mr Boland stated River Basin management had a specific meaning hence the technical detail in the report but confirmed that the responsibility for maintenance as outlined rests with the riparian land owner. Councillor Wyse noted that the council was responsible for areas in the drainage districts and asked if there was a review being done on these drainage districts. Councillor Keatley noted that the members had previously received yearly reports from the Barrow Drainage Board and expressed concern over the condition of the River Lerr in Castledermot. Councillor Clear enquired whether water quality reports were available to the members.

Mr Boland confirmed that there was very extensive analysis of all the water in the county and the results were very good and this information could be circulated to the members. He also confirmed that an update would be provided to the relevant municipal districts on the draft Drainage programme for 2020.

**Resolved** on the proposal of Councillor P O'Dwyer, seconded by Councillor Duffy and agreed by the members present that the report be noted and water quality reports for the county be circulated to the members and an update provided to the relevant municipal districts on the draft Drainage programme for 2020, in the new year.

**16/1119**

**Provision of Emergency Homeless Accommodation**

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

That the council give an update on their responsibility as a local authority in the provision of emergency homeless accommodation, including cost incurred in 2018 and 2019 to date.

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

A report was received from the Housing Department informing the members that Section 2 of the Housing Act 1988 provides the following definition of homelessness:

A person shall be regarded as being homeless for the purposes of this Act if:

- (a) There is no accommodation available which, in the opinion of the authority, he/she, together with any other person who resides with him/her, can reasonably occupy or remain in occupation of or,
- (b) He/she is living in a hospital, county home, night shelter or other such institution, and is so living because he/she has no accommodation of the kind referred to in paragraph (a), and is, in the opinion of the authority, unable to provide accommodation from his/her own resources.

Kildare County Council employs a Homeless Team comprising of 3 Homeless Outreach Officers, 3 Tenancy Sustainment Officers, together with support staff to assist families and individuals presenting as homeless. Supported Temporary Accommodation [STA] is provided in Michael Garry House, Newbridge, Family Hub, Athy, Youth for Peace, Athy, Kerdiffstown House, Johnstown and Family Hub, Prosperous. Where individuals and families, following assessment by the Homeless Team, had demonstrated that they have no access to accommodation and where no suitable accommodation was available in the facilities above, every effort was made to provide Private Emergency Accommodation [PEA] in the form of hotels and B&Bs.

Costs incurred for homeless service provision was €2,506,042.87 in 2018 and is €2,934,648.05 to the 30 September for 2019.

Councillor Ryan thanked the Director for the report noting the increase in costs in 2019 which demonstrated the severity of homelessness in the county.

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

### 17/1119

#### **Rural Housing Design Guide**

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

That the council, in advance of the full County Development Plan review, prepare a “Rural House Design” and siting guide for integration into any new development plan, to assist these with a genuine housing need to be accommodated at the most appropriate locations in their local area both for once off houses and rural settlements.

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

A report was received from the Planning and Strategic Development Department informing the members that it is an objective of the council under RO1 (Rural Housing Objective) of the Kildare County Development Plan 2017-2023 ‘to prepare a Kildare Single Rural House Design Guide over the lifetime of the plan’. It is agreed to review the guidelines as detailed in Chapter 16 and to prepare and publish a Kildare Single Rural House Design Guide as part of the Planning Department’s 2020 workplan.

Councillor Weld stated this document is badly needed and asked what the timeframe was for producing same. Councillor Moore supported the motion and stated that the issue of house design had repeatedly come up during discussions by the subcommittee that was set up to look at rural housing policy. Councillor McEvoy indicated that the Planning SPC had done a lot of work on this also.

Mr Ryan stated he was aware that a commitment had been given to the planning agents/consultants to engage with them further in relation to rural house design and that a design

guide document would be prepared. He confirmed he would revert to the members with a timeframe once departmental restructuring had been finalised.

**Resolved** on the proposal of Councillor Weld, seconded by Councillor Moore and agreed by all members that the report be noted and a timeframe for delivery of this document be confirmed to the members as soon as it was available.

### 18/1119

#### Chapter Review of County Development Plan

The following joint motion in the names of Councillors Durkan, Brett, Keatley and Neville was considered.

That a full review of Chapter 4 (Rural Housing Policy) of the County Development Plan is included in Variation 1 of the current County Development Plan.

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

A report from the Planning and Strategic Development Department informed the members that as discussed at the members' workshop on the 11 November 2019, Proposed Variation No. 1 is a legislative requirement of Section 11 of the Planning & Development Act 2000 (as amended) following the making of the Regional Spatial and Economic Strategy (RSES) by the Eastern and Midlands Regional Assembly in order to align the CDP with the National Planning Framework (NPF) and RSES. There is a statutory deadline of the 09 January 2020 to initiate this process.

A full review of Chapter 4 of the Kildare County Development Plan would require the preparation of a revised Housing Strategy that must be informed by a Housing Needs Demand Assessment (HNDA), for which the council is awaiting statutory guidance from the Department (expected early 2020). Furthermore, a review of the rural housing policy in isolation would undermine the overall settlement strategy and many other aspects of the County Development Plan such as landscape, environment and natural heritage. Accordingly, the most appropriate time to undertake such a comprehensive task would be through a full review of the CDP which will commence in early 2021. Should a review of the Rural Housing Policy proceed at this time, there will be an unavoidable impact on the delivery of the Local Area Plan programme for 2020 (Naas, Maynooth, Athy, Kildare Town).

Councillor Durkan stated this matter had been discussed at great length over the last number of years noting that rural communities are now under pressure to retain schools, post offices etc which is being further compounded by the difficulties faced by applicants applying for one-off housing in rural areas. He further noted An Bord Pleanála was also driving rural development into towns and villages which does not represent the need for local rural farming families to live in the country. Councillor Weld supported the motion stating the executive had changed the application of the rural housing policy without consulting the members.

Mr Ryan stated the intention of the variation was to ensure the County Development Plan was aligned to the RSES and that he had given a commitment at CPG to meet with the councillors in relation to this matter. He stated that in 1998, there were 10K one-off houses in Kildare and that in 2019, there were currently 20K noting that 1 in every 4 houses built in Kildare was a one-off rural house.

A discussion ensued amongst the members who noted the need to address sustainability issues, but that consistency was required in the approach being taken by the executive. Clarification was sought as to whether a review of the rural housing policy could be addressed in a variation. Mr Ryan confirmed that it could be looked at during the variation process.

The Cathaoirleach stated that a meeting with the councillors needed to take place in advance of the commencement of the variation process and that sustainability would have to be taken into account also. Mr Ryan confirmed that this meeting would take place before the variation process started and that all members would be invited to attend.

**Resolved** on the proposal of Councillor Durkan, seconded by Councillor Weld and agreed by all members that a meeting with all members take place before the variation process commenced.

**19/1119**

### **Energy Retrofitting**

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

That the council prioritises and prepares a plan for the rapid energy retrofit of the entire council's housing stock, that the plan takes full account of the housing crisis and the need to keep as much as possible of the housing stock available and that part of this plan makes full use of necessary and planned repairs and upgrades to complete full energy retrofits to the highest reasonable standard.

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

A report was received from the Housing Department informing the members that the Energy Efficiency Retrofitting Programme for social housing is the main programme of energy efficiency improvement works carried out by Kildare County Council on its existing social housing stock. The programme is to be completed in three phases targeting different types of works and is co-funded under the European Regional Development Fund 2014-2020. Kildare County Council is still in phase 1 of this programme. Phase 1 retrofitting works included cavity wall insulation, attic insulation, lagging of pipework, air tightness and ventilation. 2,695 units have been completed under phase 1, with approximately 300 units remaining. Units completed under phase 1 were identified based on their age as an indicator of their need for retrofitting works. Larger estates offering higher volumes of units were completed at the earlier stages of phase 1.

As each dwelling is different the level of improvement in energy efficiency, based on the works outlined above, is different so there is no single target Building Energy Rating (BER) being achieved. Survey work will commence shortly on the remaining units to be completed in phase 1 in order to identify their existing BER, the likely improvement to be achieved and to have units ready for retrofitting once funding is announced in 2020.

Energy upgrade works are carried out to other units by Kildare County Council under different schemes. In 2008/2009 attic insulation and heating systems were improved under the Central Heating Programme. As casual vacant units are returned to the council each year a small amount of energy efficiency improvement works is carried out, if the budget for vacant house repairs for that year allows, once essential repairs are complete. The Voids Programme (Return of Vacant Social Housing Properties to Productive Use) includes some funding for energy improvement works to units where substantial repair works are generally required to bring the units back into use. Pre and post BER certificates need to be produced for works to units funded under this programme. As second-hand properties are purchased by the council under the Acquisition Programme some energy improvement works are carried out where the existing BER is poor and where the funding for the purchase and repair to these units allows for energy improvement works while remaining within the funding thresholds.

The Energy Efficiency Retrofitting Programme remains the biggest source of direct funding for energy efficiency improvement works in Kildare County Council's social housing stock and the

plan is to move from phase 1 to phase 2 in 2020. Phase 2 will address units that were not suitable for upgrade in phase 1 and the main areas of work will include internal or external wall insulation and replacement of windows and doors. The introduction of Near Zero Energy Buildings under Part L of the Building Regulations, which will come into effect for all new social housing occupied after 31 December 2020, represents a significant improvement in energy efficiency requirements for new dwellings. In addition, where a significant refurbishment or extension is proposed to existing dwellings a substantial improvement in energy efficiency will now be required. A commitment to rapidly upgrade all will need both financial and technical resources over and above that currently available.

Councillor Hamilton stated he was looking for leadership by the council on this issue as heretofore, progress has been slow. He noted the contents of the report and supported the general statement contained in it but asked that the matter be advanced further with the Department.

Councillor Power enquired in relation to a scheme being run by SEAI whereby retrofitting was done to a B3 standard rather than A1 and suggested that the council should take full advantage of that scheme.

Mr McDonnell confirmed that all houses built by the council are built to the appropriate standards at that time, noting that houses built by the local authority are often built to a higher standard a lot of the time. He also noted the council was aware of the scheme referenced by Councillor Power but that this scheme in the main related to works to heat pumps, doors/windows etc and stated the Department only fund capital works and these forms of works would not be considered as capital expenditure. In response to a query from Councillor Moore regarding standards applicable to houses that the council rent from private landlords, he confirmed that the council would expect that the minimum standard be adhered to.

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

## 20/1119

### Review of Housing Strategy

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

That the council conduct a review of the effectiveness of the council's Housing Strategy, in particular the provision of social and affordable housing, and furnish a report on its effectiveness to inform the County Development Plan discussions in relation to the following; reducing the waiting



period (current average 10-12 years) to a more reasonable period, effectiveness of the strategy to transition applicants from short-term vulnerable rental accommodation and emergency accommodation into long-term secure social and affordable housing.

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

A report was received from the Housing Department informing the members that Rebuilding Ireland: Action Plan for Housing and Homelessness was published in July 2016 setting out the Government's programme to 2021 under 5 key pillars: Address Homelessness; Accelerate Social Housing; Build More Homes; Improve the Rental Sector; Utilise Existing Housing. The Action Plan outlines key objectives under each pillar.

In relation to the delivery of social housing, delivery targets for each local authority are set annually by the Department of Housing, Planning and Local Government under 3 main headings; Build / Acquisition / Leasing. Targets are set by the Department based on the annual housing needs assessment carried out by each local authority. The target for Kildare for the period 2018 to 2021 is 2,426. Targets include delivery by both the local authority and approved housing bodies. The target for delivery for 2019 is 547 units and we are confident at this point that we will exceed this. Targets for 2020 will be confirmed by the Department in due course. Funding is made available by the Department having regard to the delivery target set.

Following the announcement of the Government's Housing Strategy in 2015, subsequently Rebuilding Ireland, the Housing Department carried out an assessment of all land in the ownership of the council specifically for housing. Based on this assessment, the capital programme for delivery of social housing on council land was prepared. There have been subsequent reviews of lands in the ownership of the council to ensure that all land suitable for housing delivery has been identified. There are infrastructural deficits on some parcels of land which will impede delivery of housing in the short to medium term and, in addition, there are a couple of sites close to existing social housing where mechanisms for delivery of mixed-use developments are under consideration. In 2018 it was determined that it would be necessary to purchase additional land to deliver social housing and, in this regard, the elected members approved a loan of €12m.

In addition to the delivery of social housing on council land, the housing department is engaging with private developers and landowners in order to deliver units through acquisition and turnkey opportunities, together with Part V delivery.

Over the lifetime of Rebuilding Ireland, approximately one-third of delivery is to be secured through Approved Housing Bodies. Delivery by AHBs feed into the overall target set by the Department.

In relation to the delivery of affordable housing; Part V of the Local Government Act 2009 was enacted in 2018 to allow for delivery of affordable housing. An economic assessment must be carried out, based on criteria set by the Department, in order to determine if a site can deliver housing at least 10% below the market rate. Two sites have been assessed to date in the county; Caragh Road, Naas and Ardclough Road, Celbridge. There is an infrastructural deficit impeding delivery of housing on the site in Celbridge and the Department has approved funding under the serviced sites fund which may assist in addressing this issue. Further regulations are awaited from the Department in relation to the operation and implementation of the affordable scheme.

Through our Architects Department, we engage with the Planning Department in order to ensure that they are briefed on plans for delivery of social housing on council land. Monthly updates in relation to the capital delivery programme, as well as quarterly reports on activity across the housing department, will continue to be included in the Chief Executive's report to the elected members. The Housing Strategic Policy Committee, once established, will be briefed in relation to the housing delivery programme.

Councillor Duffy thanked the Director for the report asking how the council was determining the impact it was having in the provision of social affordable housing as the current situation whereby applicants can be 8 to 12 years on a housing list, was unacceptable.

Mr McDonnell stated there had been no investment for a decade in social housing but there had been significant inroads made in the provision of social housing in the last number of years and thanked the members for their support for the Part 8's that were coming before them. He also confirmed that a social tenant in HAP accommodation is deemed to be housed and stated the council was using all avenues open to it to deliver on the Rebuilding Ireland targets. Mr McDonnell stated the council had exceeded its target in the last 2 years and was on course to exceed its target again this year. He noted that the targets set by the Department were based on the housing list numbers at that time noting that Kildare County Council had received significant capital

investment from the Department over the last number of years. Councillor Galvin asked for some comparative figures related to capital investment for other local authorities and Mr McDonnell stated this information would be gathered and circulated to the members once available.

**Resolved** on the proposal of Councillor Duffy, seconded by Councillor Hamilton and agreed by all members that the report be noted and comparative capital investment figures from other local authorities be gathered and circulated to the members once available.

### **21/1119**

#### **Open Data**

The following joint motion in the names of Councillors Liston and Martin was considered.

That given the recognised contribution of Open Data for efficiency in delivery of services, innovation, the creation of new business models and public participation, Kildare County Council develops a policy on Open Data that strengthens its participation in the Governments Open Data initiative, the policy would have a specific initial focus on the delivery of all environmental datasets requested by council or members of the public thereby supporting climate action initiatives, learning and innovation.

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

A report was received from the Information Systems Department informing the members that the 'Open Data Officer' is based in the IT department in Kildare County Council and both he and his colleagues in IT have been involved in several open data initiatives. We are aware of the legal onus on Kildare County Council as set out in the Open Data and PSI Directive (Directive 2013/37/EU) (The Directive was recast on 20 June 2019) and its transposed Irish Statutory Instruments S.I. No. 279/2005, S.I No. 103/2008, and S.I. No. 525/2015, and related Circulars.

Currently, Kildare County Council have published Open Data sets to the National Open data platform, DATA.GOV.IE as part of their commitment to the Public Service Data Strategy 2019-2023. Members of the IT team have attended Open Data Seminars organised by the Department of Public Expenditure. A member of staff will be attending the 'Annual Open Data Conference' on Wednesday 27 of November 2019. Members of the IT Team have participated in Open Data Training organised by the Department of Public Expenditure and training organised by the EU.

Kildare County Council is engaged with the Open Data Technical Framework and had published numerous open data sets. Kildare County Council encourages engagement from all sections with regards to improving data quality and making it Open data compliant and have reached out to staff in all sections of the council in this regard.

Kildare County Council acknowledge the value of all Open data and public sector information to drive transformation within Kildare and we welcome the initiative to develop the Open data resource further in Kildare County Council. Regarding environmental data, Kildare County Council shares environmental data with the EPA through the EDEN portal. If there are datasets that the council manage and do not share with the EPA, we are happy to assist the Environment Section to publish these datasets.

Councillor Liston noted there were lots of requests for this type of information and asked that a policy be developed whereby as much information as possible is made in an open data format citing earlier references to water quality and air quality reports which could be published in that way. Following a discussion amongst the members, numerous types of information was referred to that could be considered to be made available in this format ie. information on LPT/pay parking spend, cycling infrastructure, homelessness figures, housing list levels etc.

Mr Hopkins confirmed that Kildare County Council and Ireland had a very good track record in this field and stated he would be happy to assist the members in making as much information available in this format as possible, whilst ensuring all obligations under Data Protection and GDPR were adhered to.

**Resolved** on the proposal of Councillor Liston, seconded by Councillor Martin and agreed by the members present that the report be noted and the motion referred to the Protocol & Procedures Committee to look at other types of information that could be made available in this way.

## 22/1119

### **Vacant and Derelict Sites**

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

That the council provide a report on the number, location, status and designation of registered vacant and derelict (residential, commercial and sites) in tabular form that are now on the register for Kildare, what funding has been set aside or applied for in respect of bringing these sites into use and how long is that transition taking.

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

A report was received from the Planning and Strategic Development Department informing the members that to support and facilitate proper planning and sustainable urban development, the Urban Regeneration and Housing Act 2015 introduced the vacant site levy as a site activation measure to ensure that vacant or under-utilised land in urban areas is brought into beneficial use, while also ensuring a “more efficient return on State investment in enabling infrastructure and helping to counter unsustainable urban sprawl”.

The Act was designed to make provision with respect to land in areas in which housing is required and in areas which are in need of renewal; to prevent it lying idle or remaining vacant, and inter alia, to establish a register of vacant sites in those areas, to provide for a vacant site levy.

The sustainable development of vacant sites in Kildare will be promoted through the targeted application of the 2015 Act in towns that are the subject of a statutory Local Area Plan.

It should be noted that local authorities are required to provide as a specific objective in their development plans for the development, redevelopment and reuse of vacant urban sites in specific locations within urban areas where it is considered to be beneficial towards securing the objectives of the relevant core strategy, housing strategy and retail strategy for the areas. In deciding on the application of the levy, account must also be taken of the viability of developing vacant sites in specific locations, e.g. the capacity of local infrastructure. Work is ongoing to identify further sites for inclusion on the vacant site register (extract of register circulated previously).

A report was received from the Environment Department informing the members that the management of derelict sites derives from powers as set out in the Derelict Sites Act 1990. Under the Act, "Derelict Site" means any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of - (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred statute or by common law. It is the councils desire to work with the owners where there are difficulties in trying to develop properties. This can involve encouraging the owners to carry out a general clean up and/or the securing of the property etc.

Indeed, it is this interaction since 2009 which has led to the current statistics -

- Total number of properties surveyed - 463
- Total properties closed after further investigation/interaction with owners/works - 359
- The number of properties originally entered in the register-51
- The number of properties removed from register following interaction with owners/works - 39
- Current number in register - 12
- Current number of other sites being monitored - 53

(extract of register circulated previously)

In the Environment Departments experience, there are numerous challenges that can affect the interaction with landowners in trying to address the derelict aspect of their sites. An Inter-department Task Force has been set up in the council involving representatives from the Environment, Housing and Planning Sections. Any appropriate files that are deemed suitable for possible social housing are forwarded to our Housing Section for consideration. This Section is currently evaluating these files for suitability and is engaging with owners in this regard. The option of invoking the council's compulsory acquisition powers is an area that is actively being addressed also.

Councillor Clear noted the response and asked that where vacant sites had not been used, that consideration be given to de-zoning them over a period of 10 years. He also asked that the council give a commitment that going forward, the vacant site levy be pursued more vigorously. Councillor Kelly enquired regarding the timeline for updating the register.

Mr Ryan confirmed 150 sites have been assessed right throughout the county and of these, 25 notices had been issued resulting in 6 owners on the list and of which 5 have been successfully appealed to An Bord Pleanala which he stated proved the complexities of managing the process. Councillor Clear asked in relation to the derelict sites process and how the register number had got from 463 to 12.

Following a discussion amongst the members, it was agreed that it would be helpful if a report could be prepared outlining the process on derelict sites for the members, to include a definition of what is a derelict building and details on whether protected structures can be included on the list. Mr Boland noted the members comments and confirmed that Protected Structure can form part of the derelict sites list and a report outlining the process would be compiled and circulated as requested.

**Resolved** on the proposal of Councillor Clear, seconded by Councillor Farrelly and agreed by the members present that the report be noted and a report outlining the process on derelict sites be prepared and circulated.

**23/1119**

**Practical Model for Student Travel**

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

That this council through funding or otherwise facilitating, shall prioritize the establishment of a practical model for students getting to and from our schools without recourse to motor cars.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that Kildare County Council is fully supportive of travelling to school safely, in a way that is sustainable and good for the environment. The transport of students to schools in County Kildare via school buses – as organised by schools and parents provides a practical and sustainable model of transport. The Roads Department provides bus pull in bays at schools, were feasible, to provide for the safe boarding/alighting of buses and through its Annual Roadworks Programme, provides new and upgraded footpaths, cycle ways, roads, cycle parking facilities and associated features (including safe crossing points, traffic calming measures, and speed limits, in the vicinity of schools). 28 school wardens are also provided to assist students during school opening/closing times and a Junior School Warden programme is in place at a number of schools in the county.

Kildare County Council's Road Safety Officer oversees our participation in National Bike Week, EU Mobility Week, cycle training, road safety training and promoting the 'Walk on Wednesday' initiative. Engagement with Green Schools teams is ongoing to deliver a sustainable transport message and assist in providing alternative solutions to the use of private motor vehicles.

The future delivery of effective school travel plans to reduce car use/dependency will require a partnership approach involving schools, parents/guardians, and other key stakeholders to include the Department of Education, An Garda Síochána and the Local Authority.

Councillor Heavey thanked the Director for the report stating that what he was trying to achieve was that the council would look at different transport methods/models to and around schools ie.

walking buses/cycling buses. He stated this was separate to the work of an SPC and asked that the council consider taking on someone who had experience in this area, to look at effecting change in a different way to that which we were doing now as it was not working.

The members supported Councillor Heaveys motion noting that infrastructural fixes take too long and the answer needed to be more community driven. Councillor Power asked if it would be possible to incentivise schools to encourage more students to walk/cycle to school. Councillor McEvoy referred to an initiative #schoolstreets being run by Fingal County Council and suggested information be sought from them on this.

Mr Morrissey thanked the members for their comments and interest in this item. He noted that the council are actively involved in delivering cycle schemes, Local Link are constantly upgrading and adding to bus routes around the county and that numerous discussions had taken place at the Transport SPC around cycling and walking to school. The Cathaoirleach noted that this could be an area the County Childcare Committee, the private sector and schools as a collective, in any such initiative.

**Resolved** on the proposal of Councillor Heavey, seconded by Councillor Connolly and agreed by the members present that the report be noted and consideration be given to involving the County Childcare Committee, the private sector and schools as a collective in any such initiative.

## 24/1119

### **Construction of Wooden Houses or Log Cabins**

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

That the council consider allowing the construction of wooden houses or log cabins and houses built from renewable, or recyclable materials, and Cobb houses from cabin size and upwards.

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

A report was received from the Planning and Strategic Development Department informing the members that Chapter 16 of the Kildare County Development Plan 2017 – 2023 (CDP) sets out council policy regarding the general design of rural houses. It identifies overall characteristics to assist in the design of proposals for one off houses in County Kildare including (but not limited to) appropriate house design, site layout and finish materials. Section 16.4.1 suggests that log cabins are not “vernacular typologies” of the Kildare countryside and are therefore not generally



considered appropriate, save in suitable settings where other criteria in relation to the design and siting of the structure are met. Chapter 16 of the CDP also identifies that indigenous materials should be selected with care to ensure that they are easily absorbed into the receiving environment with relatively low maintenance and this would relate to any proposals for cobb houses. Each application for planning permission is considered on its merits and in the context of the particular location and site.

Councillor Behan stated that a more environmentally friendly approach to modern houses needed to be taken noting there were numerous options now available in this regard ie. Cob, hemp, clay and suggested that Kildare could lead in such an initiative. Councillor Wall referred to a previous discussion in relation to log cabins by former Councillor Martin Miley Jnr where the council had agreed to look at other forms of housing resulting from the housing crisis and to be more environmentally friendly.

Mr Ryan stated he was happy that this proposal be considered during the preparation of the Rural House Design noting there would be an emphasis on all sustainable forms of housing.

**Resolved** on the proposal of Councillor Behan, seconded by Councillor Killeen and agreed by the members present that the report be noted, and the motion considered during the preparation of the Rural House Design guide.

#### **25/1119**

#### **Development of Rural Services**

Councillor Duffy stated Councillor Tracey O'Dwyer was happy with the response to her motion on the development of rural services.

#### **26/1119**

#### **Housing Expenditure**

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

That the council detail the funding spent specifically on provision of homeless services, how much of that is on staffing provision, how much on emergency accommodation and how much is allocated to third parties to support the provision of homelessness services also detailing housing administration and HAP administration and what requests for additional funding to the Department for staffing have been made in the past year.

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

A report was received from the Housing Department informing the members that Expenditure for homeless services for 2019 to 30 September was €2,934,648.05. Of this amount €2,478,539.95 was allocated to third parties, which includes supported temporary accommodation and hotels/B&Bs, for the provision of homeless services. Administration and salaries expenditure in this area to 30 September was €456,108.10. The Department of Housing, Planning and Local Government fund up to 7% of staffing and administration expenses in the homeless services area.

Sanction for two additional Homeless Support Workers and an Assistant Staff Officer for homeless services has recently been requested and approved by the Department, however, this will only be funded by the Department at a rate of up to 7%. The provision of a post for a Homeless HAP Placefinder was approved in 2018 and 90% of this expenditure is recoupable from the Department.

The budgeted expenditure for HAP administration services for 2019 is €300,000 and it should be noted that this expenditure is in relation to HAP and is separate from expenditure for homeless services.

Councillor Killeen noted the contents of the report and stated that homelessness is still the single biggest challenge facing Irish society today as it straddles all demographics and stated she did not feel that Government departments were doing enough.

Mr McDonnell confirmed the homeless figures were levelling out in Dublin but were increasing in Kildare, Meath, Wicklow and Louth which was causing this ripple effect. He confirmed that Kildare County Council employs a Tenancy Sustainability Officer who works with families to keep them in their homes. He also stated that Kildare County Council was the lead in a new initiative called Housing First which provides a full suite of supports for those that are homeless. Mr McDonnell reiterated that the HAP scheme is a nationwide system and the council was bound by the terms and conditions set down by Government and asked that where members become aware of anyone sleeping in cars or tents, to direct them to the housing department where they would be dealt with by staff who had the necessary expertise and information to help them. He concluded by stating homelessness is a societal issue for us all but that the council and the staff in the housing department were doing everything in their power to help address the issue for citizens of the

county. He concluded by stating that the single most important factor in addressing the issue of homelessness, was that a bigger supply of houses was needed.

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

## **27/1119**

### **Housing Adaptation Grants**

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

That the council detail the number of housing adaptation grants for persons with a disability that have been issued in 2018 & 2019 in tabular form and advise how many applications assessed were determined to be category A, B & C and what funding is allocated to each categorisation and if where category C is not as yet funded when will funding be allocated to fund grant applications categorised as C.

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

A report was received from the Housing Department informing the members that 434 applications had been received in 2018 with 295 approved and to date in 2019, 542 applications had been received with 301 approved (these figures include tenant and private applications).

All category A and B grant applications receive grant approval; therefore, the figures above include category A and B applications. A budget of €3.1 million is available for the provision of grants for private home owners (including housing aid for older persons). This budget will be fully expended in 2019. The budget for local authority owned properties was €500,000 for 2019. This budget has been fully expended. Due to the level of funding requirements for tenant adaptations, a waiting list is currently in place and, as funding becomes available, projects are advanced. A request for additional funding for adaptation works to our social housing stock of €543,681 has recently been submitted to the Department of Housing, Planning and Local Government. It is planned that Category C applications will be included in our grant scheme in 2020.

Councillor Pender noted the contents of the report and asked that the Category C applications from 2017 and 2018 be considered in the 2020 grant scheme.

**Resolved** on the proposal of Councillor Pender, seconded by Councillor Farrelly and agreed by the members present that the report be noted and the Category C applications from 2017 and 2018 be considered in the 2020 grant scheme.

**28/1119**

**Approved Housing Bodies**

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

That the council clarify what if anything it is doing, or can do, in response to the governance issues that have arisen in relation to some of the Approved Housing Bodies in its local authority area and to which it will channel €10 million of public monies in 2020.

The motion was proposed by Councillor McLoughlin Healy, seconded by Councillor Clear.

A report was received from the Housing Department informing the members that the role of Kildare County Council in relation to Approved Housing Bodies (AHB) is to (a) ensure AHB compliance with funding schemes, (b) enter into new Payment and Availability agreements, Capital Advance and Leasing facility agreements and provide funding under the Capital Assistance Scheme, (c) enforce the conditions of mortgage agreements, (d) ensure AHB compliance with tenant nomination policies.

The council requires AHBs and housing associations who have availed of funding under the Social Leasing Scheme, Capital Assistance Scheme and Capital Loan and Subsidy Scheme to complete an annual compliance return; this return consists of information relating to (a) contact details, (b) details of directors, (c) insurance details, (d) rent calculations, (e) financial statements, (f) maintenance allowance, (g) occupancy statements and void rates.

It is the responsibility of the Regulation Office to regulate the operation of AHBs by monitoring compliance with the standards laid down in the Voluntary Regulatory Code - 'Building for the Future, A Voluntary Regulatory Code for Approved Housing Bodies in Ireland' (VRC). AHBs are required to complete an annual regulatory return and the specific areas examined by the Regulation Office are: governance, financial management, performance management.

In 2017 the council established a new unit to deal with new AHB schemes/units and to manage the annual compliance process. The Annual Local Government Auditors Report (2019)

acknowledges the work of this unit and, in accordance with its recommendations, will remain a priority for the Housing Section.

Councillor McLoughlin Healy referenced past controversy's related to AHBs in Kildare stating that when she originally raised this matter in 2017, the response at that time was that the local authority was merely the conduit for funding between the Department and the AHB's. She noted that in his report, the Local Government Auditor had stated that while there had been some areas of concern related to the provision of social housing by AHBs in the previous audit, he had acknowledged that good progress had been made in this regard but work was still needed in a number of areas. She also noted the Auditors report stated that resources assigned to the governance and oversight of AHBs generally should be regularly reviewed to ensure that they are sufficient to meet the councils ongoing requirements and statutory obligation. Councillor McLoughlin Healy referenced registration of mortgages and inadvertent errors that had arisen in this regard and asked how these errors were going to be rectified. She also referenced the annual compliance returns for the AHB's and asked why the council did not insist on the more detailed return that included over 40 questions, for all AHBs.

In response, Mr McDonnell stated that the Housing Agency Regulator is the regulator for Approved Housing Bodies and unless the AHBs subscribe to the relevant codes, they do not receive funding. He confirmed that AHB's are scaled on their membership size and the Department determines the annual compliance return requirements on this basis.

Councillor Moore stated that at the recent Audit Committee meeting, the auditor had stated that the council should continue their role in relation to oversight via the new unit set up for this purpose and acknowledged the good work that was being done in this area.

Councillor McLoughlin Healy referenced the fact that the Local Government Audit Service Report 29 had stated that extra oversight and support should be given to the small to medium based AHB's.

Mr McDonnell clarified that under the Local Government Audit Service Report 29, the Government had introduced a centralised Housing Agency Regulator and the local authority did not have a role in this regard.

**Resolved** on the proposal of Councillor McLoughlin Healy, seconded by Councillor Clear and agreed by the members present that the report be noted.

29/1119

**Public Affordable Development**

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

That the council identifies, via maps or in tabular form, residentially zoned land in its ownership and identifies areas which it intends to pursue public affordable development on, in 2020/2021. The motion was proposed by Councillor Farrelly and seconded by Councillor Killeen.

A report was received from the Housing Department informing the members that information requested in relation to land in the ownership of Kildare County Council will be prepared for circulation in advance of the December council meeting.

In relation to the delivery of affordable housing; Part V of the Local Government Act 2009 was enacted in 2018 to allow for delivery of affordable housing. An economic assessment must be carried out, based on criteria set by the Department of Housing, Planning and Local Government, in order to determine if a site can deliver housing at least 10% below the market rate. Two sites have been assessed to date in the county; Caragh Road, Naas and Ardclough Road, Celbridge. There is an infrastructural deficit impeding delivery of housing on the site in Celbridge and the Department has approved funding under the serviced sites fund which may assist in addressing this issue. Further regulations are awaited from the Department in relation to the operation and implementation of the affordable scheme.

Councillor Farrelly stated that the number of motions from councillors on housing related matters was testament to the current housing crisis in Kildare and sought clarity in relation to the infrastructural deficit that was impeding the delivery of houses on the site in Celbridge.

Mr McDonnell clarified that the deficit referred to related to roads infrastructure and confirmed that a map of all the sites in Kildare suitable for housing, that had been given to the previous council, would be circulated to the members in advance of the next meeting. Councillor Durkan asked for a map indicating all lands, not just those that were zoned for housing. Mr McDonnell stated that one of the main qualifying criteria for funding sanction from the Department is if the land is residentially zoned.

**Resolved** on the proposal of Councillor Farrelly, seconded by Councillor Killeen and agreed by the members present that the report be noted and the land ownership map be circulated to the members in advance of the next meeting.

**30/1119**

**Jake's Law**

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

That the council update its members on the roll out of Jake's Law within the county and confirm if the funding is in place for it.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that the roll out of Jake's Law is part of the County Speed Limit Review, currently underway, which ultimately will require new Bye Laws. The Speed Limit Review is due for completion by the end of 2020 and a public consultation phase will take place in advance of the completion of the Bye Laws. The Roads Department recently responded to the Department of Transport, Tourism and Sport indicating that we will be seeking a signage budget at the end of 2020 for year 2021, and at present we anticipate the signs will be erected (likely by an external contract given the volume of signs which will be required) in Quarter 1 2021.

Councillor Wall started by firstly thanking the late Jake Brennans mother who had spear headed this campaign following her son's tragic death. He noted that this matter was ongoing a long time and asked if there was any way to advance the process quicker. Councillor Kelly supported the motion and asked if there was any way of de-coupling this issue from the County Wide Speed Limit review. Councillor McLoughlin Healy noted there had been some confusion around the 2<sup>nd</sup> round of consultation and stated that some estates had gone ahead and erected their own signage and sought clarity in relation to the validity of these signs.

Mr Morrissey confirmed that bye-laws are required to effect Jakes Law and that the overall process was very labour intensive as in advance of preparing the bye-laws, every estate had to be examined regarding road conditions, what the roads were serving, permeability etc and that it was a very time-consuming exercise. He also confirmed that signs erected by individual housing estates had no status in law and that one bye-law cannot cover all housing estates as an individual bye-law had to be created for each estate.

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

**31/1119**

**Barrow Blueway Project**

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

In light of the unprecedented funding recently announced by the Minister for Rural Affairs towards the Barrow Blueway project, that the council advise the next steps to be taken by the council and the other stakeholders towards the realisation of this project.

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

A report was received from the Public Realm Department informing the members that this exciting and highly beneficial project will be managed by the Strategic Projects and Public Realm Team in collaboration with Waterways Ireland and Laois County Council. There will also be a need for substantial input from Into Kildare, LEO, elected representatives, local communities, businesses, landowners, and other relevant stakeholders.

Once the funding Terms and Conditions have been received, a project prestart meeting with Waterways Ireland will be arranged to discuss detailed design requirements, project milestones, and timelines.

Councillor Stafford stated that it was very welcome news that this project had recently received €5.7 million in funding from the Department of Rural Affairs which was being matched by the Department of Arts and Culture and asked what the next steps were. Councillor Wall agreed with Councillor Stafford stating it had been a great example of a cross-party supported project and the onus was on the council now to support the project in every way possible. Councillor Keatley asked the council to broaden out the support services to the local businesses and communities to enable them to get involved in and benefit from this great opportunity.

Mr Ryan agreed that it was great news for the county and thanked the members for their support in getting the project to this point. He confirmed the project was being co-ordinated and managed through the Public Realm team in conjunction with Waterways Ireland and that once the terms and conditions were received, the members would be advised of the next steps. Mr Ryan also confirmed that the LEO office and Into Kildare would be setting up consultative meetings with individual communities.



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

**32/1119**

**Request to Irish Water**

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

That the council requests Irish Water to agree to accept written questions from the elected members, up to 7 days in advance of the quarterly councillor clinics, and to agree to provide written responses to those questions at the clinic.

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

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

Councillor Wyse sought the members support to his request.

**Resolved** on the proposal of Councillor Wyse, seconded by Councillor Moore and agreed by the members present that the council requests Irish Water to agree to accept written questions from the elected members, up to 7 days in advance of the quarterly councillor clinics, and to agree to provide written responses to those questions at the clinic.

**33/1119**

**Correspondence to Irish Water**

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

That the council writes to Irish Water requesting that urgent communication regarding water contamination and boil water notices made to the public should be improved and should not only be made through social media.

The motion was proposed by Councillor Feeney 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 Feeney referred to the two recent back to back boil water notices that had issued in the north of the county and asked whether Irish Water had carried out a 'lessons learned' exercise on

it yet. She also noted the over reliance on social media to get the message out to the general public noting that all means of communication should be used should a similar event happen again in the future. Councillor Feeney stated that she had found it disrespectful that Irish Water were only willing to give the council a briefing on the matter and not attend a public meeting as had been requested. She also asked that the idea of calling public meetings at the time of crisis be considered by Irish Water.

**Resolved** on the proposal of Councillor Feeney, seconded by Councillor Wall and agreed by the members present that the council writes to Irish Water requesting that urgent communication regarding water contamination and boil water notices made to the public should be improved and should not only be made through social media.

### 34/1119

#### Correspondence to HSE

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

That this council write to the HSE, calling for them to review their policies and guidelines around the need to boil water from water tankers and standpipes when these are deployed during a crisis.

The motion was proposed by Councillor Galvin 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 Galvin stated that it was her understanding that the tankers that were sent out were sterilised and the requirement to boil water from water tankers was a requirement of HSE guidelines. She noted that the Leixlip Treatment Plant would not be fully upgraded until 2021 and sought the members support in writing to the HSE as outlined.

**Resolved** on the proposal of Councillor Galvin, seconded by Councillor Wall and agreed by the members present that this council write to the HSE, calling for them to review their policies and guidelines around the need to boil water from water tankers and standpipes when these are deployed during a crisis.

The meeting concluded.