

KILDARE COUNTY COUNCIL
Minutes of meeting of Full Council
held at 3:00 p.m.
Monday 21 December 2020 on
Microsoft Teams

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

Apologies: Councillors VL Behan and D Fitzpatrick.

Also Present: Mr P Carey, Chief Executive, Ms A Aspell, Mr J Boland, Ms S Kavanagh and Mr E Ryan (Directors of Service), Ms C Barrett (A/Director of Service), Ms F Millane (A/Head of Finance), Ms C O’Grady (Meetings Administrator) Ms K Keane (Meetings Secretary) and other officials.

01/1220

Remote meeting of Full Council

The Cathaoirleach welcomed everyone to the December meeting of full council noting a little piece of history was being made as it was the first meeting of Kildare County Council to be held on-line. He read out the protocols around remote attendance and sought the members co-operation in this regard. He asked the members to have regard to their obligations under Part 15 of the Local Government Act regarding declarations around conflicts of interest and if required, they should terminate their connection to the meeting when any such items were being discussed. He concluded by confirming that if any member lost connectivity, particularly at the time of a vote taking place, that they make contact with the Leas Cathaoirleach, Councillor Tim Durkan.

02/1220

Minutes and Progress Report

The council considered the minutes of the budget meeting on 23 November 2020 and the minutes of the monthly meeting on 30 November 2020 together with the progress report.

Councillor McLoughlin Healy proposed an amendment to the minutes of the monthly meeting on 30 November. Councillor Stafford noted that the procedure for amendment of minutes was set out in Standing Order No 11 and the amendment proposed by Councillor McLoughlin Healy had not been submitted or received in accordance with Standing Order 11. The Meetings Administrator confirmed that Standing Order 11 stated *“A Member may object, when the question that they be confirmed is put from the chair, provided the Member had given notice in writing to the Meetings Administrator by noon on the Tuesday prior to the Meeting, to any part thereof as not being an accurate record. Members shall be notified in advance of a Meeting of such objections. Upon a motion any question of altering the record shall be determined by the Council by majority vote of those Members who were present at the appropriate Meeting”*, The Meetings Administrator confirmed the amendment had not been received by her in advance of the meeting.

Councillor McLoughlin Healy stated that Standing Orders could not usurp the right of a councillor to propose an amendment to the minutes and to do so was to undermine their rights as a councillor. She asked if she could submit the amendment to the Meetings Administrator for circulation to the group at this point in the meeting. The Cathaoirleach suggested that a request to suspend standing orders to deal with this matter, could be made at the end of the meeting.

Councillor McLoughlin Healy thanked the Cathaoirleach and proposed a suspension of standing orders to enable her submit an amendment to the minutes for consideration.

Councillor N. Connolly seconded the motion to suspend Standing Orders.

In accordance with Standing Order no 27, the Cathaoirleach confirmed that the proposal to suspend standing orders required that at least two-thirds of the members present vote in favour of the suspension and in this regard, called for a vote by way of the hand-up facility.

Resolved with 7 members voting in favour of the suspension of standing orders, 19 voting against and with 5 abstentions, the motion to suspend standing orders fell.

Resolved on the proposal of Councillor Durkan, seconded by Councillor Caldwell and agreed by the members present, that the minutes of the monthly meeting held on the 30 November be adopted. The progress report was noted.

03/1220

Chief Executive's Monthly Management Report

The members noted the Chief Executive's monthly management report for December.

04/1220

Section 183 Notice for Disposal of Lands

The members considered the statutory notice of the 10 December, 2020 pursuant to Section 183 of the Local Government Act 2001, as amended:

- i. Transfer of Land at 3176 Avondale, Kilcullen, Kilcullen to (details provided) at 3176 Avondale, Kilcullen

The Cathaoirleach confirmed that the members had received the required notice for the disposal of land confirming that a fee of €500 was being proposed to be paid in respect of the disposal.

Resolved on the proposal of Councillor Tracey O'Dwyer, seconded by Councillor Sammon and agreed by the members, that pursuant to Section 183 of the Local Government Act 2001 as amended, and statutory notice issued on 10 December, 2020 that the council consent to the disposal of 12.6sq.m. of land at 3176 Avondale, Kilcullen.

05/1220

Gnó an Cathaoirleach/Cathaoirleachs Business

The Cathaoirleach confirmed there was no additional business to report to the members outside of that contained on the agenda and in correspondence.

06/1120

Comhfhreagras/Correspondence

The Meetings Administrator confirmed two items of correspondence had been received, along with two motion referrals from other local authorities which had been circulated to the members with the progress report.

07/1220

Conferences and Training

The Meetings Administrator confirmed there were no conferences or training for approval this month.

08/1220

Taking in charge of estates

Ms C Barrett confirmed a report on finished, unfinished and estates under construction in County Kildare was going live on the website and would be updated continuously over the course of the year. She confirmed that a presentation would be made to each Municipal District in January and highlighted to the members that the majority of housing construction in the country at the moment, was taking place in County Kildare.

09/1220

Motions not relating to council functions

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

That the members be allowed to put forward motions to full council that do not relate to council functions.

The motion was proposed by Councillor Noel Connolly and seconded by Councillor McLoughlin Healy.

A report was received from the Corporate Services Department informing the members that following the 2019 local elections, the Protocol and Procedures Committee carried out a review of Standing Orders for full council. Draft Standing Orders, which did not include provision for Motions related to non-council business, were considered and approved by the members at their meeting on the 29 June 2020 and came into force with immediate effect.

The report that issued to the members in June 2020 set out the reasons for every proposed amendment to Standing Orders. The reason given for amending Standing Order 10 was *“To focus resources on the purpose of local authority meetings. Consistency with the Act: Schedule 10, 1 (1) c “In every year a local authority shall hold such other meetings as are necessary for the transaction of its business, which meetings are in this Act referred to as ordinary meetings.”*

As the members are aware, Standing Orders have again been reviewed by the Protocol and Procedures Committee with regard to arrangements to support remote meetings and were considered and approved by the members at their last meeting on the 30 November 2020.

Councillor Noel Connolly outlined the reasons for submitting his motion adding that the collective voice of the local authority is of great benefit in these matters. He stated that other local authorities had recently considered motions unrelated to council functions and sought this councils support on same and sought the members support to allow non-council matters to be considered.

A discussion took place amongst the members on the matter. The Cathaoirleach noted it had been agreed at the previous council meeting that the matter would be referred to the Protocol Committee and a report brought before full council in January around guidelines related to letters issuing from the Cathaoirleach related to non-council functions.

Councillor Noel Connolly thanked the members for their contributions and asked that the motion be put to a vote. The Cathaoirleach asked the members to vote on the motion by way of the hands up facility on Teams.

Resolved with 7 members voting in favour of the adjourned motion, 22 members voting against and with no abstentions, the adjourned motion fell.

10/1220

Review of motions management for council meetings

The following adjourned motion in the name of Councillor Seamie Moore was considered by the members.

That the Protocol and Procedures Committee immediately review and return to the January 2021 plenary council meeting with new proposals on all aspects of motions management for plenary and municipal district meetings.

The motion was proposed by Councillor Moore and seconded by Councillor McLoughlin Healy.

A report was received from the Corporate Services Department informing the members that following the 2019 local elections, the Protocol and Procedures Committee carried out a review of Standing Orders for full council. Draft Standing Orders were considered and approved by the members at their meeting on the 29 June 2020 and came into force with immediate effect.

As the members are aware, Standing Orders have again been reviewed by the Protocol and Procedures Committee with regard to arrangements to support remote meetings and were considered and approved by the members at their last meeting on the 30 November 2020.

The review of Standing Orders for Municipal District Committees and SPCs is ongoing and once finalised, will be brought to the relevant committees for consideration and approval.

Councillor Moore stated he was looking for a wider tolerance on what was considered council functions and that restricting what could be debated in the chamber was a mistake as a lot of these matters fed into our community and towards the common good. He asked that his motion be put to a vote. The Cathaoirleach asked the members to vote on the motion by way of the hands up facility on Teams.

Resolved with 7 members voting in favour of the adjourned motion, 24 members against and with no abstentions, the adjourned motion fell.

11/1220

Mechanism to allow council to take in charge WWTP's and WTP's

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

That Kildare County Council call for a meeting with Irish Water to put in place a mechanism and protocol that allows for the Building and Development Control Section within the council to take in charge WWTP's and WTP's which are less than municipal sized plants.

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

A report was received from the Building and Development Control Department informing the members that the National Taking in Charge Initiative (NTICI) introduced a funding program for estates with Developer Provided Infrastructure (DPI) with the aim of identifying estates with Waste Water Treatment Plant (WWTP) or Water Treatment Plant (WTP) that could be connected to the public network and would allow the taking in charge of the estate. There was also potential funding to upgrade 1-2 demonstrated projects consisting of small standalone WWTP or WTP that could not be connected to the public network.

The council identified 3 no. Category 1 estates that could be connected to the public network and 7 no. Category 3 demonstrated projects/sites in County Kildare.

	Estate Name	DPI Category	Requested funding	Allocated funding
1	Allen Court, Allen	1A	€635,160	None
2	The Paddocks, Ballitore	1A	€117,912	€93,986
3	Lios An Ri, Clougharinka	1A	€135,649	€119,241
4	Moorhill Wood, Brannockstown	3	€54,304	None
5	Mountrice Mill, Monasterevin	3	€54,304	None
6	Red Hills Park, Ellistown	3	€17,763	None
7	Kilmurray Brook, Johnstownbridge	3	€54,310	None
8	The Close, Tiermoghlan	3	€40,463	None
9	Ballagh Wood, Donadea	3	€52,950	None
10	The Village, Moone	3	€30,370	None

In County Kildare only 2 no. Category 1 estates were allocated funding to connect to the public network with the Category 3 demonstrated projects to be funded from a separate funding scheme in 2022-2024.

Category 1 Estate

Allen Court, Allen

This is the only possible Category 1 estate in the Kildare-Newbridge Municipal District that was eligible for DPWSI funding. It was proposed to replace the WWTP in Allen Court with a pumping station and lay 1800m of gravity sewer through Allen and to the WWTP at Kilmeague. The proposed works would provide a gravity sewer through the village of Allen and facilitate the decommissioning of 3 no. WWTP's at the National School, Ballintine Park and Allen Court. The proposed gravity sewer would flow to the pumping station where the sewerage would then be pumped to a manhole at the top of the village of Allen and flow by gravity to Kilmeague WWTP. Unfortunately, the expert panel deemed the cost of the project excessive based on the unit cost.

The Development Control Section have been in contact with the Department of Housing, Local Government and Heritage to reconsider their decision to refuse funding for this project. The Development Control Section have agreed to supply the Department of Housing, Local Government & Heritage with further information and have revised our proposal to have it re-evaluated by the expert panel.

Extension/Second Bid Process 2020

In September 2020 the Department of Housing, Local Government and Heritage issued Circular L(DPI) 01-2020 outlining successful bids and announced an extension/second bid process to allow for further Category 1 estates that were not included in the first bid process to apply for funding.

As part of the extension/second bid process the Development Control Section applied for funding to renovate/upgrade the WWTP at Cluain Ard, Kilmead for replacement of the existing public WWTP in Kilmead which is at the end of its operation life. Following extensive consultation, Irish Water have approved the transfer of the private WWTP to Kildare County Council which will then be taken in charge by Irish Water.

	Estate Name	DPI Category	Requested funding	Allocated funding
1	Cluain Ard, Kilmead	1A	€219,318	To be evaluated by expert panel

Extension/Second Bid 2020

Category 3 Estates

The Development Control Section identified 7 no. Category 3 estates which consist of between 5-12 residential units located in small rural settlements outside the public wastewater network. These 7 no. estates when granted planning permission were not intended to be TIC by the Council and are to be maintained by Management Companies. These are problematic estates where the standalone WWTPs are not being maintained and are in a state of disrepair. The problem appears to be that due to these estates small size in residential units, the Management Companies can't raise sufficient management fees to put in place a sinking fund to maintain the estate and WWTP. Due to the WWTPs not being maintained there are potential environmental issues. The Development Control Section are providing a minimum level of funding/support in the interest of public health and welfare in the form of tankering away the effluent. In most of these estates there is no development bond and what development bond does exist is not sufficient to complete the estate to the required standard and complete the WWTP.

Irish Water are carrying out a study to determine the cost of completing/upgrading standalone WWTP's nationally. However Irish Water don't have a protocol in place to TIC small scale estates with standalone WWTPs. The Department of Housing, Local Government and Heritage through

the National Taking in Charge Initiative (NTICI) have indicated that funding may be made available in 2022-2024 to upgrade a limited number of Category 2, 3 & 4 estates nationally.

It will cost approximately €305,000 to renovate/upgrade the 7 no. Category 3 estates in County Kildare. Without direct funding, the Development Control Section can only continue to provide a minimum level of funding/support in the interest of public health and welfare to these estates.

Councillor Tracey O Dwyer acknowledged the detailed report stating that the lack of a way to take over the Category 3 estates was very concerning, and something had to be done to overcome the obstacle to enable these estates to be taken in charge. The members supported Councillor O'Dwyers motion supporting a request for an invitation to issue.

Ms Barrett confirmed the position as detailed in the report noting the council were not able to take these estates in charge as they had been established with management companies. She noted the Department had launched a developer led initiative for taking in charge the larger Category 1 & 2 estates and that it would possibly be 2023/2024 for advancements to be made in relation to the Category 3 estates.

Councillor T O'Dwyer thanked the Director stating it was evident that the members and the executive both wanted the same thing and with the members support, asked that a request issue to Irish Water inviting them to a meeting with the members to discuss this matter with a view to reaching a solution.

Resolved on the proposal of Councillor Tracey O'Dwyer seconded by Councillor McEvoy and agreed by the members present that an invitation would issue to Irish Water for a meeting to put in place a mechanism and protocol that allows for the Building and Development Control Section within the council to take in charge WWTP's and WTP's which are less than municipal sized plants.

12/1220

List of all external consultants hired by the council

The following adjourned motion in the name of Councillor Fiona McLoughlin Healy was considered by the members.

That the council provide a list of all external consultants hired by the council in the last 5 years, providing a summary of the purpose of the engagement and the cost.

The motion was proposed by Councillor Fiona McLoughlin Healy and seconded by Councillor Clear.

A report was received from the Finance Department informing the members that coding for Local Authorities is prescribed at national level under the Accounting Code of Practice. Consultants and Professional Fees are included under the same code. It would be helpful, therefore, to have a definition of 'consultants' in this context to ensure the information provided is the information sought as professional services (e.g. debt collection where we have a company that calls to a premises) is not, in our opinion a consultancy service – but equally, the EAP or the Council's physician service we would see as professional services, but the councillor may well see that as consultancy .

Finance can distribute the spend per annum to each of the Directorates for their attention once there is clarity of the terms of reference, as the individual sections will need to complete under the heading 'purpose of engagement'. Finance have given indicative figures for 2019 to the sections and have been advised that if this request is extended to 5 years, that this is an extensive volume of work and it will take some time to collate.

The problem lies with the professional vs consultancy – so for example (and this is not complete) Professional & Consultancy includes:

- Coroners and related fees (which are not within our remit to determine)
- Valuations Office charges
- Property Registration Authority
- Cost of veterinary services
- The council physician
- The EAP programme
- 'Pop up' races
- Photography
- Etc

There are dozens of small payments that come within this area, and each have to be looked at to determine the detail. As such and subject to the members approval, if there was clarity on what is to be included it may help expedite the answer. However, if there is to be 5 years' worth of spend reviewed, this will take considerable time and resources to attend to it.

Councillor McLoughlin Healy stated she had been in contact with Ms Millane and was happy to reduce the term to 2 years and adjourn the motion to the next meeting. The Meetings Administrator noted that as the motion had been proposed and seconded and under debate, it could not be adjourned to the next meeting as requested unless a motion to proceed to next business as allowed for in Standing Order 18 was proposed. The Cathaoirleach confirmed the detail of Standing Order 18 and outlined the process for proceeding to the next business to enable the motion to be adjourned to the next meeting.

Resolved on the proposal of Councillor Fiona McLoughlin Healy seconded by Councillor Stafford and agreed by the members present that the council move to the next business and adjourn the motion to the next ordinary meeting of the council in January 2021.

13/1220

Protecting biodiversity and habitats in conflicting An Bord Pleanála cases

The following adjourned motion in the name of Councillor Brendan Wyse was considered by the members.

In response to the conflict of objectives which was identified by An Bord Pleanála in the case of the appeal by Butterfly Conservation Ireland against the decision to award planning permission for a Solar Farm on Timahoe North Bog (ABP reference ABP305953-19), that this council agrees that any objectives that seek to protect biodiversity and habitats, which are stated in the Kildare County Development Plan 2017 - 2023, take precedence over others in the case where there are conflicting objectives.

The motion was proposed by Councillor Brendan Wyse and seconded by Councillor Duffy. A report was received from the Planning, Strategic Development and Public Realm Department informing the members that the An Bord Pleanála Planning Inspector, in his report on this application *suggested* that that there “*may be conflicting objectives within the development plan which seek to support the development on solar energy on cut-over boglands and seeks to protect habitats listed in the Habitats Directive where they occur outside European sites*”. It should also be noted that the report states that “*The development plan commits the planning authority to ensure the protection of environmentally sensitive areas and in particular to prevent development that would adversely affect the integrity of any Natura 2000 site and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive. These objectives are not mutually exclusive and the*

Development Plan sets out a set of criteria (including environmental, ecological, impacts on visual amenity and neighbouring uses) by which applications for renewable energy projects may be assessed”.

In this regard, these are not considered to be conflicting but should however be considered in tandem when considering a specific proposal for development. The protection of the habitats listed in the Habitats Directive are done so under European Legislation which would provide significant protection over any proposal which would be supported by the County Development Plan, Regional Spatial & Economic Strategy or National Planning Framework. The Kildare County Development Plan complies with all regulations pertaining to the transposition of the Habitats Directive which contributes to ensuring biodiversity is maintained by conserving natural habitats and wild fauna and flora species. However, there are a very significant number of other policies in the Kildare County Development Plan in relation to the protection of landscape features, biodiversity and ecological features (outside the framework or remit of the Habitats Directive) and these are fairly comprehensive.

The Development Management process through which a planning application is considered by a Planning Authority or appeals board is a wide-ranging consideration and assessment of a variety factors such as (but not limited to) a proposals impact on the environment, a proposals ability or contribution towards renewable energy and subsequent reduction in carbon emissions (such as the proposal for a solar farm), the visual impact on a proposal and the impact of a proposal on a road network. These are not mutually exclusive and are generally weighed up against each other in formulating a final decision by the Planning Authority. While the Board, on appeal or in making a decision in relation to a Strategic Infrastructure Development, would also typically follow such an approach, it is important to note that it is an independent decision making body and while their Inspector may make recommendations, it is their Board that makes the final decision.

Councillor Wyse noted the contents of the report but stated the Inspector had indeed indicated there were conflicting directives which were outlined on Page 51 of the Inspectors report. Councillor Wyse stated that the councils County Development Plan was not robust enough in protecting and promoting biodiversity and needed to be strengthened in this regard and sought the members support in removing this ambiguity.

Mr Ryan stated ABPs report was comprehensive and they had to ensure all decisions are based on proper planning and sustainable noting in this instance, the Board had taken the objective of environmental energy as superseding the objectives of the County Development Plan.

Councillor Wyse asked that the council worked closely with Bord na Mona during the upcoming review of the County Development Plan to ensure areas were reserved for biodiversity in the future.

Councillor Liston asked what the impact was of passing this motion. Mr Ryan confirmed that under Section 37 of the Planning and Development Act, the Board were bound by legislation and would not be bound by a resolution of a council.

Resolved on the proposal of Councillor Brendan Wyse seconded by Councillor Duffy and agreed by the members present that the report be noted and the council work closely with Bord na Mona in the upcoming review of the County Development Plan.

14/1220

'Changing Places' facility

The following adjourned motion in the name of Councillor Íde Cussen was considered by the members.

That a 'Changing Places' facility be installed in Áras Chill Dara.

The motion was proposed by Councillor Íde Cussen and seconded by Councillor Caldwell.

A report was received from the Corporate Services Department informing the members that this request has been examined by the Facilities Manager and Access Officer. The provision of a Changing Places facility has been included as part of the refurbishment programme for Áras Chill Dara for 2021 and a suitable area has been identified. The work will be undertaken by the Facilities Section in Quarter 1, 2021.

Councillor Cussen thanked all those involved in making this happen noting that Áras Chill Dara was leading the way now and looked forward to seeing the work completed.

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

15/1220

Highlighting illegal dumping on social media

The following adjourned motion in the name of Councillor Bill Clear was considered by the members.

That the council use its own social media outputs, including twitter and Facebook, to highlight all illegal dumping taking place in Kildare.

The motion was proposed by Councillor Bill Clear and seconded by Councillor Pender .

A report was received from the Environmental and Water Services Department informing the members that while the main aim of the Council's social media platforms has been to discourage illegal dumping and highlight anti-dumping initiatives, the Environment Department will look at highlighting particular incidents taking place in the county. The use of social media has become increasingly important to reach the widest audience and was particularly effective recently in discouraging Halloween bonfires.

However, as over 2,000 reports of illegal dumping and fly tipping are reported to the council each year, it would not be possible to highlight all such incidents and locations on social media.

The public's proactive engagement in reporting such cases for investigation and becoming involved in local anti-dumping initiatives continues to be the most important elements of the council's campaign to tackle this issue.

The council needs to be cognisant of data protection and privacy requirements when highlighting actual locations of dumping. In addition, promotional campaigns need to be carefully thought out, so as not to highlight dumping blackspots for people to dump more.

Currently, the Council is launching an Anti-Dumping Initiative 'Your Country - Your Waste', in conjunction with the My Waste.ie website. This campaign includes a tailored suite of information and awareness messaging for use by the Council, community and voluntary groups and will visually highlight the negative aspect of illegal dumping and encourage the public to continue reporting incidents of illegal dumping.

<https://www.mywaste.ie/news/new-communications-campaign-calls-for-all-citizens-to-get-involved-in-the-fight-against-illegal-dumping-and-fly-tipping-in-ireland/>.

Last year, the Environment Department undertook an online advertising campaign for dog licences and this significantly increased awareness of the licensing requirements. A similar advertising online campaign is being planned for December to promote the use of authorised waste collectors by the public.

The Draft Litter Management Plan is being further considered by the Environment & Water Services Strategic Policy Committee at its next meeting (9 December 2020). A local media campaign in relation to the new plan will be rolled out, when adopted.

Members of the County Kildare Tidy Towns Network, which represents some 39 towns and villages in county, also support the council's social media efforts in promoting anti-litter/ dumping campaigns.

Councillor Clear thanked the Director for the positive report.

Resolved on the proposal of Councillor Bill Clear seconded by Councillor Pender and agreed by the members present that the report be noted.

16/1220

Long Term Leasing agreements

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

That the council updates members on the decision-making process regarding Long Term Leasing agreements for housing, the role of council in this process and what policy determines this process.

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

A report was received from the Housing Department informing the members that Rebuilding Ireland, Action Plan for Housing and Homelessness set a target of the delivery of 10,000 leased units over the lifetime of the Plan and local authorities received specific leasing targets. Leased units are delivered under the Social Housing Current Expenditure Programme [SHCEP].

In order to meet its targets, Kildare County Council is delivering the following types of leased units:

- Standard Leasing
- Enhanced Leasing
- Enhanced Leasing Mortgage to Rent

Enhanced leasing has been designed to target newly built or to be built units and is intended to accelerate the delivery of new housing units.

The process for leasing includes the following assessment criteria:

(a) Social Housing Need

- Is there a demand for housing in the proposed area?
- Does the unit type being offered match the demand?

(b) Sustainable Communities

- The tenure mix in the area
- The number of existing Council and Approved Housing Body owned units in the area
- Social housing proposals for the area
- Facilities/amenities existing in the area
- Population of the area

All 3 schemes are co-ordinated through the Housing Agency; however, the council will accept standard leasing proposals directly. The local authority remains the decision maker. The Housing Agency is the custodian of the lease agreements and the council is not permitted to make changes to the terms of the lease without the permission of the Agency. The Housing Agency will assist local authorities in the negotiation of the lease, drafting of leases and the application process to the department. All proposals are subject to approval of the Department of Housing, Local Government and Heritage.

Councillor Farrelly acknowledged the report stating it was timely to have a discussion on this matter now given the fact developers were moving away from Part V and offering leasing on any other site in the county. He stated that there was lack of transparency around how these agreements were being reached and that councillors should be consulted on financial arrangements being entered into that were worth several millions of euros. He further stated it did

not demonstrate good value for money given the costs involved, the exposure to the council and the fact that after 25 years, the council handed back the keys.

A lengthy discussion ensued, and further information/clarity was sought by the members on the subject matter of the motion. The Cathaoirleach confirmed the Housing department had arranged a briefing on leasing the previous month and asked that the notes from that briefing be circulated again.

Ms Aspell confirmed the notes would be recirculated and reiterated the fact that this was Government policy and the council was following that policy as they were required to do. She confirmed that Ms Scully had gone into some detail at the briefing and had gone through numerous case studies for the benefit of the members. Ms Aspell also confirmed that as the topic had been discussed in numerous fora at this stage, the members should now consider addressing their concerns to the Minister.

Councillor Farrelly agreed that the briefing had been very informative but that the council had numerous responsibilities in this area, not least the responsibility for the lived experience of the end user. He asked that once the members had reflected on the advisory notes that were to be recirculated, he sought their approval to prepare a letter for their approval, to submit to the Minister outlining the members concerns. The members agreed.

Resolved on the proposal of Councillor Farrelly seconded by Councillor Clear and agreed by the members present that the report be noted, the notes from the leasing briefing be recirculated and Councillor Farrelly to draft a letter to the Minister, for the advance agreement of the members, outlining their concerns.

17/1220

Public Realm Work Programme

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

That the council outlines how the current public realm work programme interfaces with and aligns with the mandatory plan-making processes and future development of the county and its towns.

The motion was proposed by Councillor Vanessa Liston and seconded by Councillor Kenny.

A report was received from the Planning, Strategic Development and Public Realm Department informing the members that in County Kildare, mandatory (statutory) plans are the County Development Plan and Local Area Plans. These plans address a wide range of areas including housing, economic development, community facilities, amenities, urban centre renewal and retail planning.

The Local Area Plans prepared across the county have more recently been supported by the preparation of Local Transport Plans and other evidence-based reports such as Social Infrastructure Audits and Urban Regeneration Frameworks/Strategies, other supporting documents include Town Renewal Plans.

Where a Town Renewal Plan has been prepared in advance of a LAP, it's research and findings are incorporated into the Draft LAP.

Where a Draft LAP is prepared in advance of a Town Renewal Plan, the production of a Town Renewal Plan is identified in the relevant LAPs as a future objective for the town or there may be key urban renewal objectives identified. Similarly, the LAP process may identify key public realm interventions that require more detailed design or assessment, as well as urban design frameworks for key sites (typically Key Development Areas). Effectively, the interface is a two-way process.

Under the Town and Village scheme in 2016, funding was made available to Local Authorities for the preparation of Health Checks and Town Renewal Plans. The first application to be submitted by Kildare County Council and funded under this scheme was the Kildare Town Renewal Plan, with other town and village renewal plans underway.

The Town Renewal Plan is informed by extensive public consultation along with a health check (typically including an urban design analysis and public realm strategy). This process identifies key projects in the Town Renewal Plan for future development (and is used to support additional funding applications).

Councillor Liston stated her motion was a clarification request having regard to the wide range of projects being discussed now at municipal district level. She queried whether urban design analysis is part of the process and asked how Public Realm projects are scoped and aligned with the statutory plan making process.

Mr Ryan stated that Local Area Plans are not statutory plans but that you can include objectives for urban centre renewal but noted it required additional resources to do that.

Resolved on the proposal of Councillor Vanessa Liston seconded by Councillor Kenny and agreed by the members present that the report be noted.

18/1220

Irish-only shopfront names or signs

The following motion in the name of Councillor Íde Cussen was considered by the members. That Kildare County Council in keeping with Kildare County Development Plan encourage the use of Irish-only shopfront names or signs, to protect and promote linguistic heritage in the towns and villages of the Municipal Districts in Kildare and the Shop Front Scheme be amended to encourage, incentivise and reflect this.

The motion was proposed by Councillor Íde Cussen and seconded by Councillor Feeney.

A report was received from the Economic Community and Cultural Development Department informing the members that if agreed by the members, this initiative can be included in the review of the Shop Front Scheme for 2021.

Councillor Cussen welcomed the report noting the matter had been the subject of a submission to the Irish Language Plan also.

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

19/1220

Standing Orders be amended

The following motion in the name of Councillor Noel Connolly was considered by the members. That Standing Orders be amended to allow a roll call vote to be requested by any 5 members.

The motion was proposed by Councillor Noel Connolly and seconded by Councillor Cussen.

A report was received from the Corporate Services Department informing the members that following the 2019 local elections, the Protocol and Procedures Committee carried out a review of

Standing Orders for full council. Draft Standing Orders, which amended the number of members needed to allow a roll call vote from 6 to 11, were considered and approved by the members at their meeting on the 29 June 2020 and came into force with immediate effect.

The report that issued to the members in June 2020 set out the reasons for every proposed amendment to Standing Orders. The reason given for amending Standing Order 20 was “*to update a legacy of the pre-2014 Standing Orders*”. To note, the membership of Kildare County Council pre 2014 was 25 members. Membership increased to 40 in 2014. A quorum currently equals 11 members.

As the members are aware, Standing Orders have again been reviewed by the Protocol and Procedures Committee with regard to arrangements to support remote meetings and were considered and approved by the members at their last meeting on the 30 November 2020.

Councillor Connolly stated that roll call votes were rarely used, and the council should respect the democratic mandate of members to call for a roll call vote and asked for his motion to be put to a vote. Councillor McLoughlin Healy supported the motion and sought clarification from the Head of IS on the status of the system in the council chamber and the voting capability of same, given electronic voting and been agreed at the start of the previous council term. Mr Hopkins stated he would be happy to follow up on the matter and issue further details to the members in this regard.

The Cathaoirleach asked the members to vote on the motion by way of the hands up facility on Teams.

Resolved with 10 members voting in favour of the motion, 22 members voting against and with no abstentions, the motion fell.

20/1220

Protocol and procedure for the disposal of land

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

That the council outline the protocol and procedure it follows for the disposal of land from the initial request or expression of interest in buying the public asset to approval and signing of sale contracts including but not limited to; how it selects and briefs a valuer; who communicates with buyer/seller and or their representatives as part of that process; what declarations and information should be made available to councillors before a decision is taken on a Section 183 disposal.

The motion was proposed by Councillor Fiona McLoughlin Healy and seconded by Councillor Noel Heavey.

A report was received from the Housing and Corporate Services Department informing the members that the disposal of local authority owned land is a reserved function of the elected members under Section 183 of the Local Authority Act 2001 [as amended]. Any section within the local authority who has an interest in land may from time to time submit a Section 183 Notice to the elected members to consider disposal of land. Notices prepared under Section 183 must be sent or delivered to the members of the local authority giving particulars of:

- I. The land
- II. The name of the person from whom such land was acquired, if this can be ascertained by reasonable inquiries
- III. The person to whom the land is to be disposed of
- IV. The consideration proposed in respect of the disposal
- V. Any covenants, conditions or agreements to have effect in connection with the disposal

At the first meeting of the local authority held after the expiration of 10 days after the day on which such notices are sent or delivered, the local authority may resolve that the disposal shall not be carried out or that it shall be carried out in accordance with terms specified in the resolution.

If the local authority resolves that the disposal shall not be carried out, it shall not be carried out.

If the local authority does not pass the resolution, the disposal may be carried out.

If the local authority resolves that the disposal shall be carried out in accordance with terms specified in the resolution, the disposal may be carried out in accordance with those terms.

In addition to the requirements of Section 183 of the Local Government Act, the elected members have resolved to receive a copy of the valuation associated with the proposed disposal. The members have also previously resolved that the minimum fee for a disposal is €100. They have also previously resolved that the person from whom the land was originally acquired must be given the first option to purchase.

Prior to putting a Section 183 to the members for consideration, the Executive consider whether it is appropriate that consideration be given to disposal of land/property by way of acquisition/lease. This Executive Function is undertaken in the relevant department and a recommendation signed

by the Director of Service (DOS) for the relevant area must be obtained in order to put the matter to the members by way of a Section 183 notice.

When an application to purchase land is received it is first established that the land is registered in the ownership of the council. A check is made to establish if there is any agreement to transfer it back to the original owner or if they have an interest in it. A check is made to establish if any section of the council has an interest in it and if any wayleaves are required. If the land is then available for sale, the DOS considers if it should be placed on the open market or considered for sale to the person applying as the plot may be of no value to any other party. An Auctioneer/Valuer is appointed. When the valuation is received, a report is prepared for DOS outlining valuation, conditions of proposed sale (fencing if required, if wayleave required etc) considerations, sale price and arrangements for legal costs. If approval to proceed is given, the applicant is advised of the sale price and all conditions and advised that any disposal of land is subject to the approval of the elected members of the Council. If the applicant confirms they want to proceed with the purchase, a report is prepared for the DOS setting out the details of the proposed transaction (valuation, conditions, considerations) and noting that the disposal is subject to approval of the members in accordance with Section 183. If the DOS recommends consideration of the transaction, a Directors Order is prepared recommending that the matter be put before the Council. A Section 183 notice is issued to the members as outlined above.

As members will be aware, Section 183 applies to the disposal of land. This may be by way of sale as outlined above, by way of a lease or by way of an agreement to transfer land back to a landowner as part of a Scheme such as a roads scheme, in which case a valuation would not apply. A procedures document was attached at Appendix 2.

Councillor McLoughlin Healy stated she was happy to adjourn her motion to the January meeting to enable the multi-party framework agreement for Valuation and Agronomy Services referred to in Appendix 2 to be circulated to the members. The Meetings Administrator noted that as the motion had been proposed and seconded and was under debate, it could not be adjourned to the next meeting as requested, outlining the requirements of Standing Order 18 in this regard.

Councillor McLoughlin stated she was not suggesting any impropriety had taken place but was concerned that the members may have acted outside their powers in relation to the S183 that was put before them the previous month related to Athgarvan Village. She stated that as required by Section 211 (2) of the Planning and Development Act given, the council was obligated to get the

best price reasonably attainable and that it was ultra vires to sell below the *best price reasonable attainable*, without Ministerial approval. She noted that the members had not sight of the briefing document that had been given to the valuer related to the previous S183 noting that some significant points had not been articulated in the valuation ie. the developer could not develop his site without this access to the site, the council had to build a road, the replacement value of 8 units the council had lost from their development due to the road had not been taken into account and that planning permission had been granted to two adjoining developers also.

Ms Aspell confirmed she had been in receipt of numerous emails from Councillor McLoughlin Healy related to this matter, noting the motion under debate today did not relate to the previous S183 being referred to. She reiterated that the valuation related to the previous S183 had been given to the members and that the council had carried out the S183 in accordance with all its legislative requirements. Ms Aspell confirmed that she would circulate the multi-party framework agreement to the members as requested.

Councillor McLoughlin Healy stated that pertinent information was missing from the valuation relied on for the previous S183 and the council should be using valuers who can carry out “Red Book” valuations. She also stated it was not clear in the procedure that had been provided to her motion, who prepared the brief for the valuer.

Resolved on the proposal of Councillor Fiona McLoughlin Healy seconded by Councillor Heavey and agreed by the members present that the report be noted.

21/1220

Commemoration of the Irish Famine

The following motion in the name of Councillor Joe Neville was considered by the members. That the council seek to commemorate the 175 years of the Irish Famine. This commemoration could include a display, a Plaque, or indeed re-engage with work done by Kildare County Council previously.

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

A report was received from the Library Services Department informing the members that Kildare County Council has commemorated the Great Famine over the past twenty-five years.

Most recently Kildare County Council and *IntoKildare* were partners in the development of the National Famine Way, which was launched in September 2020 to mark the 175th anniversary of the Great Famine. This 165km Heritage and Arts Trail from Strokestown, County Roscommon to Dublin City includes stops at Kilcock, Maynooth and Leixlip. The website www.nationalfamineway.ie includes videos with historians at Leixlip Spa, Carton House and Maynooth Harbour. This trail is further complemented by a permanent famine exhibition at Lullymore Heritage and Discovery Park

The County Kildare Famine Commemoration Committee 1995-1998 included county councillors, library and council staff, Maynooth College, local historians and staff of the FÁS heritage projects in Athy, Naas, and Newbridge. In January 1995 the County Kildare Archaeological Society in conjunction with Maynooth University held a seminar on the famine. The papers delivered at the seminar were published later that year as *Lest We Forget: Kildare and the Great Famine*, a key action of Co. Kildare's famine commemoration programme. The Local Studies, Genealogy and Archives Department of Kildare Library & Arts Service digitised this out of print publication earlier this year and it is now freely available at www.kildare.ie/ehistory

An archive of famine material was also created which was compiled into seven volumes. Two volumes cover the correspondence of the Society of Friends Relief of Distress Papers relating to Co. Kildare, the originals of which are held in the National Archives, Dublin; a further three volumes contain the papers of the Relief Commission relating to Co. Kildare, as well as material from the Chief Secretary's Registered Papers, Convict Reference files and Outrage Reports; and finally, the last two volumes contain articles and advertisements from the Leinster Express newspaper from 1839-1849 relating to the famine and the administration of the poor law in Co. Kildare. These final two volumes are available on the County Library Service's website at: www.kildare.ie/library/kildarecollectionsandresearchservices/famine-co-kildare/ The other volumes are held in the Local Studies, Genealogy and Archives Department, Newbridge Library.

A major exhibition was created based on the Society of Friends material and held in the Quaker Museum (formerly the Quaker Meeting House) in Ballitore.

Naas Local History Group erected a memorial at Naas Hospital, the former Naas Workhouse, in 1995. This is housed in the old main entrance of the original workhouse/hospital. The Group also published a book on the history of Naas Hospital from 1838-1998 as part of its commemoration of the famine. An ecumenical service is held annually at the famine graveyard by the Naas Group.

In 2000, the County Library and Arts Service commissioned 'The Famine Family', a sculpture by James McKenna in the grounds of St. Vincent's Hospital, Athy, the former Athy workhouse. There is also a Famine memorial in the Famine graveyard close to the site of the former workhouse in Celbridge.

Councillor Neville accepted the report.

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

The Cathaoirleach thanked the members and the executive for their co-operation during the first remote meeting of the council and wished everyone a very Happy Christmas and New Year.

It was agreed that the January Council meeting and the Municipal District meetings in January be held online.

The meeting concluded.