

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Full Council**  
**held at 3:00 p.m.**  
**Monday 28 June 2021 in**  
**Newbridge Town Hall**

**Members Present:** Councillor N Ó Cearúil (Cathaoirleach), Councillors VL Behan, 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, D Fitzpatrick, 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, M Stafford, B Weld and B Wyse.

**Apologies:** Councillors C Galvin and P Ward

**Also Present:** Mr P Carey, Chief Executive, Ms A Aspell, Mr J Boland, Ms S Kavanagh (Directors of Service), Ms C Barrett and Ms M Hunt (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.

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The Cathaoirleach welcomed everyone to the June full council meeting reminding them of the protocols on speaking times and sought their co-operation in speaking with brevity to ensure an efficient use of the time available.

**01/0621**

**Bereavements**

The Cathaoirleach extended his sympathy to the family of the late:

Anne Farrell mother to Annie Gough Public Realm Team Planning.

Mary Kate Egan mother to Rose Egan Information Technology

Ollie Conway father to Marie Whelan National Roads Office.

Elizabeth Harrington sister of Patrick Harrington Architects

John Shaughnessy, caretaker of Athy Community Library

A minute's silence was observed.

#### **02/0621**

##### **Declaration of Interests**

The Cathaoirleach sought declarations of interests from the members under Section 177 of the Local Government Act, as amended.

There were no declarations of pecuniary or beneficial interests declared under Section 177 of the Local Government Act 2001 (as amended).

#### **03/0621**

##### **Minutes and Progress Report**

The council considered the minutes of the monthly meeting of the 31 May 2021 together with the progress report. The Cathaoirleach referred to the request for an amendment to the minutes which had been circulated in advance of the meeting. The Meeting Administrator confirmed the proposed amendment related to 05/0521 Section 183 Notice for Disposal of Lands ii. which had been incorrectly listed in the draft May minutes as Disposal of 0.0111 hectares of land at 25 Willowbrook Grove, Celbridge and confirmed it should have been listed as ii. Disposal of 0.025ha at Barnhall Leixlip, to Irish Water for the purpose of an extension to the existing pumping station.

**Resolved** on the proposal of Councillor Keatley, seconded by Councillor Caldwell that the amendment to the draft May minutes under 05/0521 Section 183 Notice for Disposal of Lands ii. be agreed.

**Resolved** on the proposal of Councillor Moore seconded by Councillor Keatley and agreed by the members present that the minutes of the monthly meeting on 31 May 2021 and the proposed amendment as outlined, be adopted. The progress report was noted.

#### **04/0621**

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

The members noted the Chief Executives monthly management report.

**05/0621**

**Section 183 Notice for Disposal of Lands**

The members considered the statutory notices of the 03 June pursuant to Section 183 of the Local Government Act 2001, as amended:

- i. Disposal of 0.0027 hectares of land at The Moat, Naas, Co. Kildare
- ii. Disposal of 0.189 hectares of land at Ballyburn Lower, Co. Kildare

The Cathaoirleach confirmed the members had received the statutory notices setting out the details of the proposed disposals.

Ms Kavanagh stated that it was proposed to withdraw the Disposal of 0.0027 hectares of land at The Moat, Naas, Co Kildare to a later date. The members agreed.

**Resolved** on the proposal of Councillor Keatley, seconded by Councillor Sammon and agreed by the members present that pursuant to Section 183 of the Local Government Act 2001 as amended and statutory notice issued on 03 June, 2021 that the council agree to the disposal of 0.189 hectares of land at Ballyburn Lower, Co. Kildare

**06/0621**

**Section 85 Agreement**

The members considered the request pursuant to Section 85 of the Local Government Act 2001 as amended for Kildare County Council to enter into an agreement with Dublin City Council whereby Dublin City Council would carry out all of the functions of Kildare County Council in respect of the Social Housing PPP (Bundle 3) Programme with the following exceptions:

- the nomination of tenants to be housed in the social housing development in Kildare County Council's functional area,
- the calculation of the tenants' differential rent,
- the role of landlord under the tenancy agreements and
- obtaining the necessary planning approvals and undertaking the public consultation procedures in respect of the development as required under the Planning and Development Acts and Regulations.

(report attached)

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Durkan and agreed by the members present, that Kildare County Council enters into an agreement pursuant to Section 85 of the Local Government Act 2001 as amended with Dublin City Council whereby Dublin City Council will carry out all of the functions of Kildare County Council in respect of the Social Housing PPP (Bundle 3) Programme with the exceptions as outlined above.

**07/0621**

**Kildare Local Enterprise Development Plan 2021-2024**

The members considered the Kildare Local Enterprise Development Plan 2021-2024 circulated in advance of the meeting. Ms Kavanagh confirmed the council had already adopted the Economic Strategy and the Development Plan was in a format supported by Enterprise Ireland. Councillor Hamilton asked that regard be had to the Just Transition programme in all future plans.

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Kelly and agreed by the members present that the Kildare Local Enterprise Development Plan 2021-2024 be approved.

**08/0621**

**Gnó an Cathaoirleach/Cathaoirleachs Business**

The Cathaoirleach thanked the members for all their kind words and good wishes following his recent election as Cathaoirleach of the County of Kildare.

**09/0621**

**Comhfhreagras/Correspondence**

The Meetings Administrator confirmed ten items of correspondence had been received and circulated to the members, with the Progress Report including correspondence re the Notice of publishing the commencement of Audit 2020, the Local Property Tax Allocation Process 2022, responses to motions from councillors and 4 motion referrals from other local authority's.

**10/0621**

**Conferences and Training**

The Meetings Administrator confirmed the report previously circulated included one request for attendance at a training event and two requests for approval for further education training, funding support in accordance with Circular LG5/2015. She also confirmed that following a request at Municipal District level, corporate governance training for elected members related to their role when appointed to boards of companies by Kildare County Council, was being arranged with the ODCE for early September and if agreed the members would be advised on a date shortly.

**Resolved** on the proposal of Councillor Feeney, seconded by Councillor Brett and agreed by the members present having regard to Section 142(5) of the Local Government Act 2001, as amended by Section 53(2) of the Local Government Reform Act 2014 that the following approval was granted for the attendance of Councillor P Hamilton at online AILG training on Delivering Effective Climate Action 2030 scheduled for 09 July. Approval also granted for further education training

support in accordance with circular LG5/2015 for Councillor F McLoughlin Healy and Councillor S Doyle to undertake a level 6, 10 week on-line Diploma in Corporate Governance.

**11/0621**

**Economic Development, Enterprise and Planning Strategic Policy Committee**

The Cathaoirleach noted that the next two items on the agenda were presentations from the Chairs of SPCs. He sought the members co-operation in raising any questions/queries they had on the presentations with the Chairs after the meeting, due to restrictions on meeting time.

The members received a report from the Chair of the Economic Development, Enterprise and Planning Strategic Policy Committee. Councillor Keatley outlined the planning work programme 2020-2021 which included the Kildare Pollinator Action Plan, Rural Housing Guidelines, Open Space Strategy, Social Infrastructure Audits, County Development Plan and the review of the Development Contribution Scheme.

He confirmed the Economic Development work programme 2020-2021 included the Economic Strategy for Kildare, the review of Kildare Local Economic Development Plan 2021-24, a Kildare Diaspora Strategy, a Kildare Food Strategy and a Commercial Incentive Grant Scheme 2021

He confirmed the SPC had received motion referrals from Municipal District meetings in relation to:

- Childcare Provision
- Crime Prevention Through Environmental Design (Cllr Pender)
- Environmental Assessment and Protection (Cllr Liston)
- Policies on public parking, urban renewal in transition to carbon neutral societies (Cllr McEvoy)

Councillor Keatley confirmed that Section 254 and outdoor dining has been a standing agenda item at every meeting of this SPC noting the recent government funding announcement was great news for that industry. He thanked the members of the SPC for their work to date noting they would be following up again with the CIF to fill their position on the SPC.

The report was noted.

12/0621

**Report from the Transportation, Safety and Emergency Services Strategic Policy Committee**

The members received a report from the Chair of the Transportation, Safety and Emergency Services Strategic Policy Committee. Councillor Neville outlined the areas of responsibility of the SPC which included Roads, Transportation & Public Safety, Fire Services, Major Emergency Management, Civil Defence, Health & Safety of council employees, Access and Disability and Building & Development Control. He outlined the work programme of the SPC which included:

- Fish Eye -Policy on the use of 'Fish Eye' mirrors (convex mirrors) on public roads.
- Roundabouts- Review Policy regarding the Naming of Roundabouts.
- Rural Public Lighting- Rural Public Lighting Scheme.
- Access & Disability – Access and Disability Progress – Development of Accessible Public Realm Streetscapes.
- Permeability – Permeability between Housing Estates and Public Roadways- this issue to be jointly examined by Planning and Roads Department.
- Transport links -Policy and planning on effective transport links across towns in Kildare.
- Rail Network- Policy on Integrating rail planning into County Developments Planning including appropriate park and ride.
- Bus Services – Policy on increasing capacity and identify express bus routes to support commuters through working with the NTA, Bus Eireann and Dublin Bus.
- Public Parking - Review the policies around public parking in the context of urban renewal, cycling and pedestrian amenity with associated benefits to health and wellbeing, changing economic models and the transition towards carbon-neutral societies.
- Cycle and walking signage- That in a bid to increase driver awareness of walkers and cyclists, that the council would invest in and roll out cycle and walking friendly signage, solar powered speed signs with particular emphasis around schools
- Cycle Infrastructure - Policy on segregated cycleways.
- Greenways & Blueway's - Focus on Royal and Grand Canal Greenways and Barrow Blueway to a high-quality standard, plan amenity to make them into thriving connections and tourist destinations.
- Road Network and Congestion- Focus on road developments that allow us to reclaim our town centres, develop town centre, communities, vibrant main street and reduce congestion and pollution in our towns.
- Permeability- Policy on connecting our communities for good pedestrian and cycling access and connectivity right through our towns.

He confirmed they had received presentations from Niall O'Riordan A/CFO, Stephen Cummins, A/SE Sustainable Transport & Mobility Team and from Declan Kepgh, Road Safety, Cycling and Sustainability Officer. Councillor Neville confirmed the following were recurring items on every agenda of the SPC:

- Kildare Cycle Forum/Sustainable Transport Working Group
- Referrals from Municipal District and Full Council meetings
- Director of Services update on major Capital Projects

Councillor Neville confirmed the SPC had a very broad and mixed work programme with a number of aims/policies already having been completed. He confirmed that the work programme for the SPC had also been used to make a submission to the review of the County Development Plan. He noted the Greenways and Blueways were very important initiatives for the county which the SPC would have regard to on an ongoing basis.

The report was noted.

The Cathaoirleach thanked Councillors Keatley and Neville for the very informative presentations noting the volume of work that was continuing, despite the impact of the ongoing pandemic and acknowledged the work of the members, the external members and the executive in this regard.

### **13/0621**

#### **Revised Speed Limit Review**

The following adjourned motion in the name of Councillor Peter Hamilton was considered by the members.

That the council revises the speed review recommendations to separate all elements related to implementing the 30km speed limits in housing developments in support of 'Jake's law' from the general recommendations in the speed limit review, in order to allow the passing and implementation of these proposals without further delay.

Councillor Hamilton proposed an amendment to his adjourned motion:

That the council reviews the progress of the public consultation on the speed limit review in 6 months (December 2021) and considers revising the speed review recommendations to separate all elements related to implementing the 30km speed limits in housing developments in support of 'Jake's law', and other broadly agreed changes after the consultation process, from the complete set of recommendations in the review, in order to allow the passing and implementation of these agreed changes without further delay.

The amended motion was seconded by Councillor Liston.

**Updated Report:** A report from Ms C Barrett stated that the immediate priority was to commence the statutory Public Consultation for the Speed Limit Review and additional resources have been assigned to the production of documentation to assist the process. This is scheduled to commence by the end of July, when notices will be placed in our local papers, on Kildare County Councils webpage and social media platforms. The Public Consultation stage will take place over

30 days, with documentation available to the public for consideration and receipt of submissions. Once all submissions have been received and reviewed, a clearer picture will emerge for the completion of the review. It is prudent not to pre-empt the statutory process by making commitments prior to its conclusion however, the issues raised in the motion will be kept under review.

While the Speed Limit Review was proceeding through the Public Consultation Stage, the Transportation Department will commence drafting tender documents for supply and installation of signage. It is envisaged that tender documents will be ready for issue as soon as the Draft Bye Laws are adopted by Full Council

Councillor Hamilton recalled the reason for Jakes Law which related to the untimely death of Jake Brennan in 2014 stating the objective of the proposed amendment was to allow the speed limit plan go to public consultation and putting the December 2021 deadline in, was a way of putting a limit on the timelines for this item to advance.

Ms Barrett reiterated the timelines outlined in the report noting that a lot of submissions were expected and confirmed a report would come back before council in December.

**Resolved** on the proposal of Councillor Hamilton, seconded by Councillor Liston and agreed by the members present that the report be noted, and a report come back to council in relation to this item in December.

#### **14/0621**

#### **Sand and Gravel Extraction Ballyshannon, Kilcullen**

The following joint motion in the names of Councillors Ivan Keatley, Tracey O'Dwyer, Peggy O'Dwyer, Kevin Duffy and Mark Stafford was considered by the members.

That the Council undertake a review of An Bord Pleanála's decision to grant and conditions for, the new sand and gravel extraction development at Racefield, Ballyshannon, Kilcullen, Co. Kildare (Case reference: PL09.306297 / KCC 191097) and outline to the members what if any next steps will the Council be taking on the decision and/or the enforcement of the specified conditions.

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



The report from the Planning department stated the council would assess all 'prior to commencement' documents submitted to ensure compliance with planning conditions. All relevant documentation would be available to view on the online planning system at <http://webgeo.kildarecoco.ie/planningenquiry> under the planning reference number 191097.

Councillor Keatley stated that this planning decision by An Bord Pleanala had been well publicised over the last number of weeks, noting it had originally been refused by Kildare County Council. He stated that the local community were in shock at the decision and it could not be seen as NIMBYISM given the number of quarries in the surrounding areas, all of which had received planning permission from the council. He stated that everyone was aware of the need for aggregates but the roads around this facility were not fit for purpose. He also noted that the Board had reduced the development contributions by 80% for the development and had included a condition for Kilsaran to improve the road, when the land was not even in their ownership.

Councillor Duffy supported the motion stating the council needed to engage with Kilsaran on the conditions attaching. He also noted the need for the council to engage with the construction sector in a discussion on renewable energy and the over reliance on non-renewable materials.

Following discussion, the following points were raised:

- Support the request to take a judicial review
- Review of the Development Contributions Scheme was needed urgently
- Quotas and scale of these development types in Kildare to be reviewed
- Consideration be given to setting up a fund, to fund Judicial Reviews of ABP decisions when they do not follow council decisions
- Concern that extraction facilities are never "just" extraction facilities, and nearly always evolve into alternative developments
- Stringent planning conditions needed on these facilities; issue of land ownership not even considered by ABP when applying roads condition.
- How many quarries are registered in Kildare
- Can the council introduce bye-laws to limit HGV traffic through local towns affected

Ms Hunt noted the concerns and questions raised by the members stating the council were reviewing the conditions attached by An Bord Pleanala but noted a Judicial Review can only be taken where there is a perceived issue with the procedure followed, not on the decision. The Chief Executive stated he was fully appreciative of the members concerns reiterating that the council

had refused the permission however he noted there were many complexities involved. Following discussion, it was agreed that a report on the review of the planning conditions attached to the APB decision be made available for the July plenary meeting.

**Resolved** on the proposal of Councillor Keatley seconded by Councillor Duffy and agreed by the members present that the report be noted and a report on the review of the planning conditions attached to the APB decision be made available for the July plenary meeting.

## 15/0621

### Hybrid Meetings

The following joint motion in the names of Councillors Ciara Galvin and Mark Leigh was considered by the members.

That the council establish the best way to facilitate "hybrid" meetings and briefings etc, where some councillors attend in person and some are facilitated to attend and participate remotely.

The motion was proposed by Councillor Leigh and seconded by Councillor P ODwyer.

The report from the the Corporate Services and IT departments stated they were examining this issue at present to see what needs to be put in place to facilitate hybrid statutory meetings with attendees, both councillors and staff, attending in person or on a TEAMS platform and how this can be seamlessly integrated to provide for an equal level of participation for both options.

To conduct effective hybrid statutory meetings, the following is required at a minimum:

- Record of attendance
- Control of speaking system by Chair
- List of the order of speakers
- Timing of each speaker
- Voting system
- Display of results of vote
- Display of presentations to screen
- Arrangements for public and media attendance/viewing

All of these should be capable of seamless integration so that it does not make a difference if the person is in the room or online.

There is a distinction between statutory meetings of Council and Municipal Districts; and non-statutory meetings and briefings that do not have the same level of interaction and legal

requirements and can be conducted in a more informal way. While we have made some stop gap arrangements to get things done during the pandemic, a permanent move to hybrid meetings requires a fully integrated technical solution.

The AV conference system currently installed in the Council Chamber is currently not working and the main control unit (AMX) is out to repair with the vendor and not expected to be returned until late July. When it is working, this system currently provides basic functionality to support microphone management at meetings, presentations and requests to speak. Despite an upgrade in 2019, automatic voting, timing of speakers and other features are still not working in the chamber in the way we want them to.

The current AV system does not lend itself to providing integration between members physically attending meetings in the chamber and members attending the same meeting remotely. This is a key requirement for the facilitation of effective hybrid meetings. Despite numerous requests from IT we have never got clear direction from the vendor on how the system could support hybrid meetings in a 'seamless' fashion either through a legacy solution or integration with Microsoft TEAMS. Note the 'seamless' system implies that if the Member is in the chamber, a conference system microphone is used. When its microphone is enabled, a dome camera will show the speaker and the conference unit is used to cast votes. If another Member is participating from a remote location, the remote webcam and its microphone are used and AV conference system is used to cast votes.

With such a configuration we would easily see the facilitation of Hybrid meetings and also the easy provision of live streaming of meetings.

The Council Chamber in Áras Chill Dara is the best venue to upgrade to provide for a fully integrated solution. The chamber is the recognised venue for statutory meetings. It can at present hold all the Municipal District meetings in person, socially distanced. If upgraded to an integrated solution, it would provide statutory Municipal District meetings with an effective hybrid option for members who wish to attend online and for the attendance of staff who are working remotely.

Some of the meeting rooms in Áras Chill Dara have been upgraded to include audio/visual equipment that can be used with TEAMS. The biggest room however is not big enough to cater for the attendance of more than 9 people socially distanced, so they are not a viable option for statutory meetings at present as most of the attendees would need to remain online. It should also be noted where any participants are together in person, the meeting is currently limited to

under 2 hours. This situation will change as we come out of the pandemic and these rooms would be suitable for smaller meetings/briefings in the future with a mix of in person and online attendees.

Where the council has decided to hold full council meetings in person this is being facilitated in Newbridge Town Hall. The Town Hall allows for attendance by all members and a limited number of staff, media and public with social distancing measures in place. Such meetings are restricted to under 2 hours to comply with public health advice. It is a great resource to have the Town Hall available to us as an interim measure, but it is not fitted out with audio visual equipment and has limited broadband connectivity. There is also an additional cost to provide sound equipment for each meeting held there. As the purpose of the Town Hall on an ongoing basis is not for meetings of council and the Chamber in Aras Chill Dara is the designated place for council meetings, it is not intended to provide additional permanent IT facilities in the Town Hall.

It should be noted that even with a retrofit in the Chamber in Aras Chill Dara if social distancing is still in place it will be a matter for agreement among members with regard to meetings of full council, as to who will be in attendance in person and who will attend remotely. The capacity of the chamber for in person meetings taking account of social distancing would not allow for all members and staff to attend at the same time. It would most likely require an agreed rota until social distancing measures are no longer required. Only 21 people can be accommodated in the main body of the chamber.

To progress this, a supplier will need to be procured to carry out the work to provide a fully integrated solution for hybrid statutory meetings. This will require funding and the work will take some time to complete. It is clear from the Moorehead report and the circulars on remote meetings and amendments to standing orders to provide for online, in person and hybrid meetings that options will need to be provided for the future. In addition the webcasting of meetings as agreed by the members some time ago, can be included in the overall solution.

Councillor Leigh accepted the report with Councillor McEvoy noting that standing orders had been amended and allowed for both remote and hybrid meetings.

**Resolved** on the proposal of Councillor Leigh seconded by Councillor P O'Dwyer and agreed by the members present that the report be noted.

**16/0621**

**Early Years Sector Profile breakdown**

The following joint motion in the names of Councillors Angela Feeney and Anne Breen was considered by the members.

That the council requests access to the Early Years Sector Profile breakdown for the county from Pobal, in order to support the work of the Kildare County Childcare Committee and to establish robust current data.

The motion was proposed by Councillor Feeney and seconded by Councillor Sammon

A report from the Community section stated that subject to the members agreement, the council could contact Pobal to seek the information requested.

Councillor Feeney stated the shortage of childcare places in Kildare was at crisis point noting that the Kildare County Childcare Committee had been invited to attend a meeting of the Clane-Maynooth Municipal District Committee previously to discuss this matter but they had confirmed they no longer had access to this data confirming Pobal only had access.

**Resolved** on the proposal of Councillor Feeney, seconded by Councillor Sammon and agreed by the members present that the council would contact Pobal to seek the information requested.

**17/0621**

**Changes to Local property Tax**

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

That the council outlines the financial implications for the county of the proposed changes to the Local Property Tax announced by the Minister on the 01 June 2021.

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

A report from the Finance Section stated that the Department of Housing, Local Government and Heritage had advised that as the revaluation process is likely to take a number of months, detailed information on the new yield per local authority will not be available in time for the LAF/variation decision. Subject to Government approval, updated information on the 2021 yield, provided by Revenue, will therefore be the basis of the provisional/pre-variation allocations. It is recognised that the yield will change following the revaluation and the matter will be revisited at that

point. The Department is liaising with Revenue and have committed to issuing further details as soon as possible.

As soon as the Finance Department were made aware of any information in this regard they would ensure it is brought to the members at the earliest opportunity.

Councillor Liston accepted the report.

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

### **18/0621**

#### **Biodiversity Training Module**

The following motion in the name of Councillor Íde Cussen was considered by the members. That the council initiate a Biodiversity Training Module for Kildare Residents Associations with the objective of educating residents associations about "less spraying" and encourage a move away from the use of pesticides/herbicides in open areas in housing estates in Kildare.

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

A report from the Planning department stated that in conjunction with the Parks Department, they would organise training later in the year on Biodiversity, the All Ireland Pollinator Plan and alternatives to spraying for Residents Associations.

Councillor Cussen welcomed the report noting however, that there was nothing yet in place for residents' associations and that the amount of grant funding available was minimal. She noted that this was a first step towards greater awareness and education and asked that the matter be advanced now as a priority. During the debate that followed, the members discussed added weighting to resident association grant applications which demonstrated pollinator friendly schemes and the importance of involving the Tidy Towns Committees and the organisers in this education piece around alternatives to spraying.

Councillor Cussen thanked the members for their support of the motion and asked the council to consider doing a promotional piece in this whole area.

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

**19/0621**

**Resumption of Monthly Meetings with the Department of Education**

The following motion in the name of Councillor Suzanne Doyle was considered by the members. That the previous practice of monthly meetings between relevant officials in the Department of Education, senior planners and the Director of Planning resume as a matter of urgency in order to monitor and support delivery of school places across the county, and that the Cathaoirleach of the County attend these meetings as a representative for the elected members.

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

A report from the Planning Department stated that officials from the Planning Department actively and regularly engaged with the Department of Education both through consultation before and during plan making processes for the assessment of school capacities and identification of expansion areas or new locations. Additional engagement was also ongoing under the Memorandum of Understanding (MoU) with the County and City Managers, Association (CCMA) on the acquisition of sites for new schools.

The Department of Education (Forward Planning Section) will be invited to brief the elected members in the coming months for the purposes of the County Development Plan review.

Councillor Doyle stated that notwithstanding the detail of the report, regard must be had to the fact that Kildare has the largest youth population in the country at the last census. She referenced the difficulty the council has had in sourcing information related to the youth profile of the county and as such, it was incumbent on the council to act and show due diligence in relation to this matter. A debate ensued among the members with the following points raised:

- The Department of Education were behind in planning for school places for the future
- The SHD process was flawed as due regard not had to the availability of school places
- Monasterevan town was waiting over 20 years to get a new secondary school
- The demographic needed to be clarified given studies were showing a potential surplus of teachers in the coming years
- Clarity sought on the CCMA's role.

Ms Hunt clarified that Mr Ryan, Director of Planning had contacted the Department of Education who had confirmed they were not in a position to facilitate this request. The Chief Executive stated he was in agreement with the members as there was massive pressure for school places in the county which needed to be planned for and developed properly. He confirmed that the CCMA were working on capital provision by way of a national protocol for site acquisition.

Following further discussion, the members sought a copy of the letter Ms Hunt referred to from the Department of Education and agreed that correspondence issue to the Minister for Education attaching a copy of this correspondence, and seeking regular bi-monthly meetings with the Department of Education.

**Resolved** on the proposal of Councillor Doyle seconded by Councillor A Connolly with the agreement of the members present that the report be noted and correspondence issue to the Minister for Education, attaching a copy of the correspondence received from the Department of Education seeking regular bi-monthly meetings with the Department of Education.

## 20/0621

### **Planning Permission for Residential Developments**

The following motion in the name of Councillor Bill Clear was considered by the members. That the council confirm how many residential developments have been granted planning permission in Kildare in the last seven years but have not commenced building.

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

A report from the Planning Department confirmed that the Table at Appendix A outlined the number of residential units granted planning permission for each year from 2014-2020 together with the number of dwellings completed during the same period, as reported by the Central Statistics Office. (<https://data.cso.ie/table/NDQ05>)

The figures outlined in the table in respect of planning permissions include strategic housing developments granted by An Bord Pleanála and amendments to previously granted permissions, which will result in a certain level of duplication in the figures for units granted permission.

In respect of new dwellings completed, it is not possible to distinguish between those units that are in residential developments and one-off houses.



Councillor Clear noted the report and understood there would be a lag in the figures due to the reasons outlined, however he stated that the number of completions were half of what was being granted. He stated there was constant pressure to rezone lands for residential purpose and suggested lands should be declassified if planning permissions were not used. He asked that the motion be referred to the Economic Development, Enterprise and Planning SPC for further research and analysis. Councillor Moore stated the figure of 10k not completed was stark and “work in progress” units had not been defined which warranted further investigation.

The Cathaoirleach sought the members agreement to refer the motion to the SPC as suggested. The members agreed.

**Resolved** on the proposal of Councillor Clear, seconded by Councillor Farrelly and agreed by the members present that the report be noted, and the motion referred to the Economic Development, Enterprise and Planning SPC for further analysis.

## 21/0621

### Public Toilets

The following motion in the name of Councillor Peter Hamilton was considered by the members. That the council urgently prepares and implements a plan for the provision of additional temporary public toilets to support the ‘outdoor summer’ in key outdoor gathering points around the county, using the government funding made available for this purpose.

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

A report from the Transportation Department stated it had undertaken some research with our local authority colleagues regarding the options available, the associated costs and the ‘demand’ for additional services. Temporary toilet blocks, similar to those installed in Grafton Street and Wolfe Tone Square in Dublin have an estimated installation cost of €70,000 per block. These block units are connected to the public mains and sewer facilities providing male/female services and are open from 10am to 11pm in most instances. There are significant additional costs associated with security and cleaning of the facilities with an annual cost estimated at €250,000 - €300,000 for a block unit.

Public Buildings have also been made available in towns across counties providing ‘toilet facilities only’ while the main building is closed due to public health restrictions. Costs associated with this scenario are minimal as the staff are present in the building, the facilities are in place and cleaners

on site. Our colleagues confirmed that usage of these facilities was at the lower end in terms of daily numbers and in some towns public buildings were not accessed at all.

Dublin City Council recently tendered for a pilot project which would see the installation of 'retail units with toilet facilities' made available at locations across the city. These are designed to be pop-up facilities, the likes of which we have seen across Kildare but with the additional requirement of toilet facilities which are serviced and managed by the retailer. Successful applicants will generally be providing coffee/food facilities, they are connected to public mains/sewerage for free and are free of all charges for the 5 years they are in situ.

250 portaloos were also provided by a Dublin authority prior to the opening of outdoor dining. They were regularly used and the numbers were high in the week prior to pubs/restaurants/coffee shops opening for outdoor dining. After that date, the numbers reduced significantly to the point where 170 portaloos were immediately removed. Based on the continued reduction in the usage numbers, it is expected that the remaining units will no longer be required once indoor dining facilities have reopened on July 5.

We are informed the provision of the above services, albeit on a temporary measure, has been met with a mixed reaction from the public and residential/business communities. Public health concerns associated with Covid 19, sees a reluctance by the public to use such services, if they are not regularly cleaned and do not have appropriate hand washing facilities provided. Local authorities, which have provided additional temporary facilities, has seen the demand decrease with the reopening of outdoor dining and it is expected that demand will decrease further once indoor dining reopens on 5 July.

Kildare County Council has previously provided public conveniences in Kildare, Newbridge, Naas and Athy. Members raised concerns in 2015 regarding the cost of providing the service compared to the use of the facilities and income derived from each unit. In 2017, the contract with the service provider was terminated, with the agreement of elected members, 12 months in advance of it's expiry date.

Considering the options set out above and implemented by other local authorities, the Covid 19 health guidelines and possible reluctance of the public to use the facilities, the provision of toilet facilities in our public buildings could provide a solution as demand continues to decrease.

The Cathaoirleach noted that this matter had been discussed at length within the last 6 months and queried it being tabled again.

Councillor Hamilton stated a significant tranche of Government funding had become available since the last motion was debated and noted with disappointment the response was negative again and cited examples of other areas in the country of similar size to Kildare's electoral areas, that had installed portaloos in a number of well positioned areas. He noted that funding was now available for this purpose and the option to use public buildings was not practical given the short hours they were open and accessibility issues. Following discussion, the Cathaoirleach sought clarification on what action was proposed by the council.

Ms Barrett stated the council had liaised with other other local authorities noting we did not have the option of the Grafton Street model. She confirmed the funding would cover festival style facilities, not the outdoor summer facilities under discussion. She stated a drop off in demand was expected and due to the limited funding available and the issue of cleaning them and late night security, she was unsure of the best route to go in this regard.

Following further debate, the Cathaoirleach proposed that Councillor Hamilton seek the views of the members on proposals and refer these back to Ms Barrett for further consideration.

**Resolved** on the proposal of Councillor Hamilton seconded by Councillor Durkan and agreed by the members present that the report be noted and Councillor Hamilton to seek the views of the members and submit any proposals received for further consideration.

### **22/0621**

#### **Ernest Shackleton**

The following motion in the name of Councillor Aoife Breslin was considered by the members. That in recognition of the centenary of Ernest Shackleton's death on 5th January 1921, Kildare County Council writes to the New Zealand Government to acknowledge Kildare's connection with that country through our mutual regard for Ernest Shackleton and his achievements.

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

A report from Corporate Services stated that subject to the members agreement, correspondence could issue as requested.

Councillor Breslin advised the members that Ernest Shackleton was born in Kilkea, Co Kildare in 1874 and in 1923, this connection was acknowledged most generously by New Zealander Mrs Janet Kellett and the New Zealand High Commissioner through the donation of Shackleton's sledging harness. The harness was now a treasured exhibit in the Shackleton Museum in Athy, having been curated in the interim by the Dominican Community in the College of St. Thomas, Newbridge. She sought the members support to write to the New Zealand government as outlined.

The members agreed.

**Resolved** on the proposal of Councillor Breslin seconded by Councillor Keatley and agreed by the members present that the report be noted, and the council sends correspondence to the New Zealand Government as requested.

### **23/0621**

#### **Employment of Tradespeople**

The following motion in the name of Councillor Noel Connolly was considered by the members. That the council directly employ a group of tradespeople to be part of a team that repairs and maintains our housing stock.

The motion was proposed by Councillor N Connolly and seconded by Councillor Feeney.

A report from Housing stated that in recent years, due mainly to retirement and redeployment due to success at interview, the number of in-house tradespeople attached to the housing department has declined. This issue was recently discussed by Management Team in the context of the council piloting an Apprenticeship Scheme. It was agreed, in principle, to progress such a scheme, subject to operational details being established and, of course, funding to be considered in the context of the Revenue budget for 2022

Councillor N Connolly welcomed the report and sought clarification on the number of apprentices being considered and timeframes for the scheme. Ms Aspell confirmed there was no further details at the moment, but the matter would be kept under review by the HR department.

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

24/0621

### **Consultancy Services for Public Realm Projects**

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

That the council provide details of the expenditure on consultancy services relating to town, and village public realm strategies/improvements only around the county in the last 5 years to include, name of project, date consultants engaged, end date for consultation, the implementation and actual progress arising or resulting from the consultancy strategy/plan.

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

A report from the Planning Department stated that the table attached at Appendix B set out those projects on hand or completed where a consultant has been appointed by the Public Realm team over the past 5 years. The projects highlighted in blue were construction projects where the estimated total construction value was stated. In line with industry standards, consultancy fees on construction projects are usually 10% of the total final construction cost. As these construction projects are underway, the final project cost is not yet known, therefore total amount payable to consultants on these projects was yet to be fully determined.

Councillor McLoughlin Healy sought clarification on the chronology of the consultant plans noting the money expended figure was not included. She also noted the detail of the report contained fees for the project, as opposed to fees for consultancy services as had been requested, stating the response that it was usually 10% did not answer the question being asked. She expressed concern around the fact that a lot of projects do not have fixed fees, thus the fees might actually increase and that despite the financial cost and the time spent on developing plans, developments were not being delivered.

Ms Hunt clarified that the 10% referred to related to construction projects only, and the figure quoted under 'estimated value' was the consultancy fee.

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

**25/0621**

**Pride Flags**

The following motion in the name of Councillor Chris Pender was considered by the members. That Kildare County Council commits to flying the Progressive Pride Flag, Bi Pride Flag and the Trans Pride Flag at all public buildings at relevant dates to the LGBTQ+ community going forward and amend the Kildare County Council Flag policy to reflect this (images and dates attached).

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

A report from Corporate Services stated that as set out in the councils Flag Policy, the Rainbow Flag flies every year in support of the Pride Movement and to demonstrate the council's commitment to equality and the inclusion of all its citizens. Pride month usually occurs during June and is checked in advance with the Pride organisers. When the date has been confirmed, the Rainbow Flag flies for one week during Pride month. This year, the Rainbow Flag was flown at Áras Chill Dara from Monday 14 June. Kildare County Council was also proud to support International Day against Homophobia, Biphobia, Intersexism and Transphobia on Monday 17 May and the Pride Flag was flown that day too.

The Flag Policy was currently being reviewed by the Protocol and Procedures Committee and will be further discussed at its meeting in July.

Councillor Pender noted the report and agreed that the motion be referred to the Protocol and Procedures Committee for consideration when the Flag Policy was being reviewed. He confirmed that the Progress Pride Flag was the next step in eliminating marginalisation.

**Resolved** on the proposal of Councillor Pender seconded by Councillor Ó Cearúil and agreed by the members present that the report be noted and the motion be referred to the Protocol and Procedures Committee.

**26/0621**

**Bye-Laws for E-Scooters**

The following motion in the name of Councillor Noel Heavey was considered by the members. That the council consider bringing forward bye-laws in relation to the use of EScooters on urban streets, footpaths, walkways and cycleways, to enhance safety for all with this rapidly evolving mode of transport in the continued absence of National Regulations.

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

A report from the Transportation Department stated the Governments Legislation Programme Summer Session 2021 was published in April 2021. Within the schedule are a number of legislative items that are deemed 'Priority Legislation for Publication, this session (Summer 2021)'. The Road Traffic (Miscellaneous Provisions) Bill is included in the Priority Legislation schedule and will provide for traffic management on M50, motor insurance database and other road traffic matters as well as provisions relating to e-scooters and scramblers.

The introduction of Bye-Laws in Kildare at this time would be considered premature and should be developed within the context of the legislative provision approved by government.

Councillor Heavey accepted the report.

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

The meeting concluded.

**Appendix A - Motion Councillor Bill Clear**

Residential permissions in the last 7 years

Year	Permissions				Completions
	Houses (excluding one offs)	Apartments	One-off Houses	Total	New Dwellings Completed
2014	338	3	477	818	300
2015	460	117	467	1,044	577
2016	749	18	830	1,597	638
2017	2,423	98	680	3,201	985
2018	2,937	694	518	4,149	1221
2019	1,998	495	169	2,662	1898
2020	3,218	877	227	4,322	1661
Total	12,123	2,302	3,368	17,793	7,280