

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Full Council**  
**held at 3:00 p.m.**  
**Monday 29 March 2021 on**  
**Microsoft Teams**

**Members Present:** Councillor M Stafford (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, 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.

**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 B Sweeney (Financial Accountant), Ms C O’Grady (Meetings Administrator), Ms K Keane (Meetings Secretary) and other officials.

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The Cathaoirleach welcomed everyone to the March online meeting of full council. He confirmed that the press and the public were attending via email on Teams and advised all attendees that recording was prohibited. He drew the members attention to the recently circulated updated guidance for online meetings, noting there would be a break for 10 minutes at the 1.5 hour mark and that the Protocol and Procedures Committee had recommended the meeting conclude at 6pm as set out in Standing Orders.

**01/0321**

**Bereavements**

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

Mrs Anne Dunne mother of Liam Dunne Community Department.

Mr John O'Rourke father of Paula O'Rourke Parks Section.

Mr Mick Houlihan husband of Breda Houlihan Finance Department.

A minute's silence was observed.

## 02/0321

### Minutes and Progress Report

The council considered the minutes of the monthly meeting on 22 February 2021 together with the progress report.

**Resolved** on the proposal of Councillor Moore seconded by Councillor Feeney and agreed by the members present, the minutes of the monthly meeting on 22 February 2021 were adopted.

## 03/0321

### Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

Councillor McLoughlin Healy queried the inclusion of the Risk Register data as had previously been agreed 3 months ago. Mr Boland confirmed information related to the Risk Register was included on page 45 of the report.

Councillor Cussen noted that the detail on page 50 of the report related to the Celbridge-Leixlip Municipal District, confirmed that the applicants for the Climate Innovation Fund had been decided, but this was not the case as it had to be deferred.

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

## 04/0321

### Section 183 Notice for Disposal of Lands

The members considered the statutory notices of the 02 March and 09 March 2021 respectively pursuant to Section 183 of the Local Government Act 2001, as amended:

- i. Disposal of Land at Osberstown, Naas, Co. Kildare.
- ii. Disposal of Land at Suncroft, Curragh, Co. Kildare.

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

**Resolved** on the proposal of Councillor Moore seconded by Councillor Keatley and agreed by the members present that pursuant to Section 183 of the Local Government Act 2001 as amended and statutory notice issued on 02 March, 2021 that the council consented to the Disposal of Land at Osberstown, Naas, Co. Kildare.

**Resolved** on the proposal of Councillor Moore seconded by Councillor Keatley and agreed by the members present that pursuant to Section 183 of the Local Government Act 2001 as amended and statutory notice issued on 09 March, 2021 that the council consented to the Disposal of Land at Suncroft, Curragh, Co. Kildare.

### **05/0321**

#### **Section 183 Notice for Disposal of Lands**

The members considered the statutory notice of the 12 March 2021 pursuant to Section 183 of the Local Government Act 2001, as amended:

- i. Disposal of 0.011 hectares of land at Palmerstown, Naas, Co. Kildare.

The Cathaoirleach confirmed the members had received the statutory notice setting out the details of the proposed disposal.

**Resolved** on the proposal of Councillor Kelly seconded by Councillor Clear and agreed by the members present that pursuant to Section 183 of the Local Government Act 2001 as amended and statutory notice issued on 12 March, 2021 that the council consented to the Disposal of 0.011 hectares of land at Palmerstown, Naas, Co. Kildare.

### **06/0321**

#### **Annual Service Delivery Plan 2021**

The Meetings Administrator confirmed that the requirement to prepare an Annual Service Delivery Plan was set out under Section 50 of the Local Government Reform Act 2014. She confirmed the plan outlined objectives for service delivery for the year across 15 service areas confirming its adoption was a reserved function.

**Resolved** on the proposal of Councillor Breen seconded by Councillor Feeney and agreed by the members present to approve the Annual Service Delivery Plan 2021.

### **07/0321**

#### **Appointment of external nominees to SPC**

The Meetings Administrator referred to the report that had been circulated to the members in relation to the appointment of external nominees to the Local Community and Culture Strategic

Policy Committee, which included a short bio on each nominee. She confirmed that the previously approved PPN nominee from the Environmental/Conservation Pillar, Ms Ashleigh Connors, had stepped down and the PPN had nominated Ms Lorraine Benson to fill this vacancy. She also confirmed there had been a PPN Social Inclusion Pillar vacancy on the Local Community and Cultural SPC since the scheme was adopted. The PPN had now nominated Mr PJ Fagan to fill this vacancy.

**Resolved** on the proposal of Councillor Tracey O'Dwyer, seconded by Councillor Liston and agreed by the members present that Ms Lorraine Benson, Environmental/Conservation Pillar and Mr PJ Fagan, Social Inclusion Pillar be appointed to the Local Community and Cultural Strategic Policy Committee.

### **08/0321**

#### **Gnó an Cathaoirleach/Cathaoirleachs Business**

The Cathaoirleach acknowledged the recent welcome announcement by Intel of the creation of 1600 jobs in the county. He welcomed the virtual launch of the Grand Canal Greenway and congratulated Waterways Ireland and the four local authorities involved. The Cathaoirleach acknowledged and welcomed the confirmation of €19 million in the recent URDF announcement for projects located in Celbridge, Maynooth and Naas. He also congratulated Ms Rosanna Houlihan from Newbridge who was the overall winner in the Student Enterprise Awards and congratulated the LEO office and all those involved in running this very successful event noting there had been a huge entry this year. He concluded by sending congratulations to former Councillor Paul Kelly on becoming the President of the District Court, which was one of the largest and busiest courts in the country.

The Chief Executive joined with the Cathaoirleach in welcoming the opening of the Royal Canal Greenway for Kildare and in congratulating Ms Rosanna Houlihan on her great achievement in the Student Enterprise Awards. He stated that Intel's announcement of its investment of €76m over the coming three years, was a huge vote of confidence in Kildare and added that Mr Eamonn Sinnott, CEO of Intel would attend a future meeting of the council to brief the members.

### **09/0321**

#### **Comhfhreagrass/Correspondence**

The Meetings Administrator confirmed ten items of correspondence had been received and circulated to the members, which comprised of seven motion referrals from other local authorities,

a copy of the letter received from the Governance and Elected Members section of the Department of Housing Local Government and Heritage concerning a provision of funding to Local Authorities for the establishment of a local caucus for women councillors and an acknowledgement of the correspondence that had issued from the members to the Minister for Children in relation to Mother and Baby Homes.

**10/0321**

**Conferences and Training**

The Meetings Administrator confirmed there were two online training events listed for this month - Communications Infrastructure and Local Authorities, and the Local Authority Climate Action Training Programme, both which had no costs attached and which had been agreed by CPG for listing at full council for approval.

**Resolved** with the agreement of the members that the training events titled Communications Infrastructure and Local Authorities and the Local Authority Climate Action Training Programme be approved.

**11/0321**

**Presentation from Kildare Fáilte**

The Cathaoirleach welcomed Mr David Mongey Chairperson and Ms Áine Mangan CEO of Kildare Fáilte made a presentation to the members on the work of Kildare Fáilte over the last 12 months. The Cathaoirleach noted that since the last presentation, Mr Charlie Talbot had resigned from the Board of Kildare Failte and acknowledged the work Mr Talbot had done in this area over the years and wished him well for the future. He confirmed that Mr Liam Dunne was filling the position on the Board going forward. The Cathaoirleach sought the members cooperation in holding any municipal district specific queries until their municipal district committee meetings the following month.

Mr Mongey thanked the members for the opportunity to present to them noting 2020 had been a very difficult year for everybody and for the tourism sector especially and that building the local tourism market was going to play a huge part in economic recovery nationally. He thanked the members for their continuing support and was looking forward to continued engagements with them in the future.

Ms Mangan thanked the Cathaoirleach and members for the opportunity to present to them and confirmed the vision for Kildare Tourism was 'To build an exciting, sustainable tourism industry in

County Kildare where stakeholders work together to design and deliver quality experiences for domestic and international visitors, create jobs, boost local economies and protect the natural environment'. She outlined the membership of the Into Kildare Network and the importance of tourism to the domestic economy. Ms Mangan went through the highlights for 2020 including the introduction of Kildare's first digital brand ambassador for the county, Taste of Kildare had moved online, numerous networking events online to support the local campaign and meeting with Minister Catherine Martin to secure additional funding for tourism promotion in Kildare to name just a few. Ms Mangan outlined the key strategic actions and activities for 2021 and the key tourism projects for 2021 to include; Feast on the Tastes of Kildare, Lets Walk Kildare (outdoors) Visit our Towns and Villages Kildare and the hugely successful Féile Bríde Celebrations noting the national coverage it had received from the President, the Taoiseach and the national broadcaster. She also noted the launch of the Royal Canal Greenway on the 24 March 2021, another hugely important project for the county which also received coverage from the national broadcaster.

During the course of the discussion that followed, the members raised the following points:

- What Key Performance Indicators (KPIs) do Kildare Failte use and clarity was sought on the constitutional makeup of the Board of Kildare Failte
- Support for sustainable tourism was needed and welcome
- Bridget 500 was a once in a lifetime opportunity and all necessary supports should be put into it
- Move to online activities over the last year very welcome and to be congratulated
- The need to increase the promotion of Gold Medal winning Tidy Town recipient towns
- The need to increase access to horse tracks/bridal paths
- Increased emphasis on promoting peatlands, bogs and canals

Ms Mangan thanked the members for their contributions and noted there were currently 2 staff members in the Kildare Failte team and the strategic plan was the template they worked to. She confirmed their KPIs were very clear and referred to the Key Actions slide in the presentation and confirmed that budgets are monitored very closely. She stated there was work ongoing nationally with regard to equine and greenways and blueways along with work on promoting walks and woodlands via social media channels. Mr Mongey clarified in relation to the constitution query confirming that a nominee came from the council, and not the five Municipal Districts as had been included in the constitution originally but this had since changed and, confirmed it could be circulated to the members after the meeting. He welcomed the support expressed around the

Bridget 500 project noting that a reserve budget needed to start now for the forthcoming campaign.

The Chief Executive thanked Mr Mongey and Ms Mangan for the excellent presentation confirming the council continued to be fully supportive of the work being done by Kildare Failte which was demonstrated by the year on year increase in funding to this area by the council. He referenced the exciting plans in train for the Curragh Plains, Irelands Ancient East, St Brigid and Shackleton project. He also confirmed tourism would continue to be a growth business and the work being done by Kildare Failte was invaluable to the county in this regard.

The Cathaoirleach thanked Mr Mongey and Ms Mangan for the presentation and for their work over the past year, in particular the work they had done behind the scenes to secure extra funding for Kildare since Covid 19 started, through Bord Failte. He asked the members to submit any questions they had for Kildare Failte in advance of their April Municipal District meetings.

#### **12/0321**

##### **Roadworks Programme 2021**

Ms. Barrett referred to the Roadworks Programme 2021 compiled by the Roads Transportation and Public Safety Department and circulated to the members which sets out the budgets, Municipal District funding and the main projects involving planning, design and construction of roadworks as proposed by the directorate in the current year.

**Resolved** on the proposal of Councillor C. Pender seconded by Cllr. S. Moore and agreed by the members present that the Roadworks Programme 2021 be noted.

#### **13/0321**

##### **Draft Kildare County Council Community and Festival Grants Scheme Policy**

Ms Kavanagh referred to the Draft Kildare County Council Community and Festival Grants Scheme Policy noting the policy had been prepared to be a simple, clear and concise document noting the ability to apply on-line was now in operation.

**Resolved** on the proposal of Councillor Breslin, seconded by Councillor Brett and agreed by the members present that the Kildare County Council Community and Festival Grants Scheme Policy be approved.

**14/0321**

**Draft Kildare County Council Twinning Grant Guidelines and Policy**

Ms Kavanagh referred to the Draft Kildare County Council Twinning Grant Guidelines and Policy which had been circulated to the members.

**Resolved** on the proposal of Councillor Breslin, seconded by Councillor Kelly and agreed by the members present that the Draft Kildare County Council Twinning Grant Guidelines and Policy be approved.

**15/0321**

**Protocol and Procedures Committee Referral**

The Meetings Administrator referred to the review of Standing Orders for Municipal Districts undertaken by the Protocol and Procedures Committee, and the identification of some inconsistencies in cross referencing and layout that also exist in the standing orders for full council. She advised of the following recommendations from the Protocol and Procedure Committee to amend standing orders of full council as follows

Standing order 10, Order of Business to include “Declarations of pecuniary or beneficial interests under Section 177 of the Act” as the first item of business on the agenda of council meetings.

Standing order 13, Motion to amend or revoke resolutions. Paragraph three to be amended to remove reference to “Subject to Standing Order 20” which has been incorrectly transcribed in previous standing orders and replace it with “Subject to above”.

Standing order 18, Order of Debate to be separated into two standing orders as follows, standing order 18 Order of Debate and from the top of page 22 Standing Order 19 Disorderly Behaviour/Conduct as is set out in MD Standing Orders. Consequent on this change, the numbering of the standing orders following SO 19 will change accordingly.

Standing order 28, Suspension of standing orders to be amended as follows

Subject to the provisions and requirements of the Act, and any other enactment, any Standing Order, except numbers, 13,15,17,18,19,20 and 21 may at any time be suspended on a motion proposed without notice for the purpose of enabling any specific business defined in the suspensory motion to be considered and dealt with by the Council, subject to the requirement that at least two thirds of the Member present vote in favour, any fraction in the calculation of two thirds being disregarded.



Councillor McEvoy, Chair of the Protocol and Procedures Committee confirmed the amendments as outlined by the Meetings Administrator were as agreed by the Protocol and Procedures Committee and recommended them for approval.

**Resolved** on the proposal of Councillor Coleman seconded by Councillor Hamilton and agreed by the full membership of the council that the Standing Orders for full council be amended as outlined by the Meetings Administrator.

### 16/0321

#### **Athy Municipal District Committee Referral**

The following motion referred from the Athy Municipal District was considered by the members. That we the members of the Athy Municipal District Committee call on the Government to establish a Commission of Investigation into County Homes including the former County Home, Athy, to provide a full and account of what happened to women and children during the period from 1920 to their abolition and to allow them access the redress scheme and all supports.

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

Councillor Breslin thanked her fellow Councillors of Athy Municipal District for unanimously supporting this motion and its referral to full council.

She acknowledged the work that was undertaken by the Mother and Baby Homes Commission of Investigation but stated that unless the Minister for Children establishes a Commission of Investigation into former County Homes women and their children who were inmates in one of the 29 county homes in Ireland would yet again be wronged. She stated that the conditions in Ireland's county homes were primitive, lacking in privacy and dignity, and they were utterly unsuitable for children. Until the 1950s the mothers in most of the homes were required to carry out physically demanding, unpleasant chores in primitive conditions. The type of work that was required of unmarried mothers in county homes was far in excess of the work that was expected of women in mother and baby homes, and until the 1950s, and in some cases the 1960s, the living conditions for both mothers and children in the County Homes remained largely unchanged from the pre-independence workhouse.

As Cathaoirleach for the Athy Municipal District Councillor Breslin stated that she wished to formally acknowledge and apologise for the horrific abuse, treatment and cruelty that occurred to women and children who were sent to County Homes and particularly those that were sent to the

County Home in Athy and called on the members to support the motion asking the Minister for Children to establish a Commission of Investigation into County Homes.

**Resolved** on the proposal of Councillor Breslin seconded by Councillor Breen and agreed unanimously by the members that the council calls on the Government to establish a Commission of Investigation into County Homes including the former County Home, Athy, to provide a full account of what happened to women and children during the period from 1920 to their abolition and to allow them access the redress scheme and all supports.

### **17/0321**

#### **Residential Log and Modular Homes**

The following adjourned motion in the name of Councillor Veralouise Behan was considered by the members.

That the council create space in their County Development Plan to support the planning and development and residential log and modular homes using either predominantly prefabricated, renewable materials, and repurposed modular units, such as shipping containers.

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

A report was received from the Planning, Strategic Projects & Public Realm Department informing the members that chapter 16 of the Kildare County Development Plan 2017 – 2023 sets out Council policy regarding the general design of rural houses. It identifies overall characteristics to assist in the design of proposals for one off houses in County Kildare including (but not limited to) appropriate house design, site layout and finish materials. Section 16.4.1 suggests that log cabins are not “vernacular typologies” of the Kildare countryside and are therefore not generally considered appropriate, save in suitable settings where other criteria in relation to the design and siting of the structure are met.

Chapter 16 of the CDP also identifies that indigenous materials should be selected with care to ensure that they are easily absorbed into the receiving environment with relatively low maintenance and this would relate to any proposals for log and modular houses. We are willing to review in the context of the review of the County Development Plan and would welcome a submission on the matter from Councillor Behan.

Councillor Behan noted the contents of the report stating her motion was a step towards moving to sustainable development and affordable housing by utilising a different form of housing. Mr Ryan stated that Chapter 16 of the County Development Plan set out the general policy on this and that a draft had issued to the SPC the previous week for review. He acknowledged that the council did

have to move with the times citing the example of very modern houses now coming in flatpack variety, but all planning application would continue to be treated on its own merits.

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

### **18/0321**

#### **Invitation to National Parks and Wildlife Service (NWPS)**

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

That the council invites the National Parks and Wildlife Service (NWPS) to give a presentation to council on their proposals and work plan for habitat management of bogs and wetlands in Kildare over the coming 2 years.

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

A report was received from the Planning, Strategic Projects & Public Realm Department informing the members that if the members are in agreement, the Heritage Office will engage with the National Parks & Wildlife Service in order to extend an invitation to them to present to the Council on their proposals and work plan for habitat management of bogs and wetlands in their care/ownership in County Kildare. It should be noted however, that most bogs are not within the ownership of the NWPS.

Councillor Liston noted the report and stated that Ireland at 3% had the third lowest protected SAC's rate against a 31% average. She further confirmed that Article 7 of the National Biodiversity Action Plan stated that 85% of habitats were deemed to be in an unfavourable status with 40% demonstrating an ongoing decline. Given the urgency of the climate crisis, she outlined that it was important that the council had visibility of a robust plan by the NWPS in this area.

Councillor Wyse stated that the implications of the National Biodiversity Plan necessitated co-operation between the NWPS, Bord na Mona and the council and the vision also needed to relate to lands not in the ownership of NWPS and the council.

Councillor Stafford referred to the presentation made by Bord na Mona to three municipal districts in relation to the rewetting of the bogs and sphagnum and asked that the report from that meeting be circulated to all the members.

**Resolved** on the proposal of Councillor Liston seconded by Councillor Tracey O'Dwyer and agreed by the members present that the report be noted and the report from the meeting with Bord na Mona be sent out to all the members.

**19/0321**

**Comprehensive and Economic and Trade Agreement (CETA)**

The following adjourned motion in the name of Councillor Chris Pender was considered by the members.

That the council write to the Minister for Enterprise, Trade and Employment, and The Minister for Housing Local Government and Heritage stating that international trade agreements, such as Comprehensive and Economic and Trade Agreement (CETA) providing a right to multinational corporations to take recourse against the State outside of ordinary legal systems, should be fully and properly scrutinised by a Joint Oireachtas Committee allowing for a discussion on the impacts of such agreements, with reference to the provision of Local Authority services and the impact on such services provision before any Dáil vote on ratification.

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

A report was received from the Economic Development, Community and Culture Department informing the members that this was a matter for the members to agree.

Councillor McEvoy raised a point of order with the Cathaoirleach noting that this motion had been discussed by CPG given the thrust of the motion sought to influence national legislation which was outside the remit of the local authority. He also confirmed the matter was currently before the Oireachtas Justice Committee.

Councillor McEvoy proposed that the issue of non-council function related motions be referred to the Protocol and Procedures Committee to develop a guidance policy for the members in relation to the matter.

Councillor Keatley seconded this proposal.

Councillor Pender stated that he understood the point being made by Councillor McEvoy but noted that CETA did and would impact on council functions in the future but was happy that the wording of his motion be referred to the Protocol and Procedures Committee to assist them in preparing such guidance. Councillor Pender noted however, that the amendment being proposed by

Councillor McEvoy was not an amendment under the terms of the current Standing Orders and he understood that it was being referred to the Protocol Committee as well as the motion being considered by the council. Councillor McEvoy clarified that proposal was as a result of some members view that the motion was not related to a function of council.

Following a query from Councillor McLoughlin Healy, the Cathaoirleach confirmed that the motion was being sent to the Protocol and Procedures Committee for recommendations which would subsequently come back before the full council, who could either accept or reject the recommendation. He confirmed the amendment proposed was in accordance with the terms of Standing Order 12.

The Cathaoirleach called for a vote on the proposal made by Councillor McEvoy that was now before the members.

**Resolved** on the proposal of Councillor McEvoy seconded by Councillor Keatley and with 29 members voting in favour, 7 members voting against and 2 abstentions that Councillor Pender's motion and the issue of non-council function related motions be referred to the Protocol and Procedures Committee to develop a guidance policy for the members in relation to this matter.

## 20/0321

### **Free sanitary products in council-owned buildings**

The following adjourned motion in the name of Councillor Anne Breen was considered by the members.

That the council consider running a pilot project to provide a range of free sanitary products in council-owned buildings.

The motion was proposed by Councillor Breen and seconded by Councillor Feeney.

A report was received from the County Librarian informing the members that the council are engaged in a pilot scheme in Leixlip library, which started just as Covid-19 set in. As such, the library has been closed to the public most of the time so there is next to no data to review. There was a timeframe of 6 months operating the pilot so we hope that when we open up to the public again, we can get some idea of demand.

Councillor Breen noted the report stating it was a very important issue that was being tackled across the country and that both the local authority and schools have an important role to play. Councillor Galvin thanked Councillor Breen for bringing the motion forward and welcomed the pilot scheme in Leixlip adding there needed to be more pilots in the county and the pilot should not depend on demand and be rolled out across the county regardless. Councillor Peggy O'Dwyer supported the motion stating she was involved in a similar initiative in the Women's Resource Centre in Newbridge who had received donations from local retailers for distribution. Councillor Hamilton supported the motion also and stated he was proud to be one of the proposers of a similar initiative in the KWETB. Councillor Pender also welcomed the motion and the discussion that was taking place noting the requirement to use gender inclusive language and his involvement in the resource centre project in Newbridge also. A discussion ensued with the members fully in support of the motion and asked that inclusivity and sustainability be incorporated into the pilot also.

Ms Kavanagh confirmed that the pilot scheme was initiated as a result of a previous motion from Councillor Killeen, but which had to be paused due to the pandemic. She confirmed the council would consider the issues raised by the members, and further discuss the cost when the pilot could resume.

**Resolved** on the proposal of Councillor Breen seconded by Councillor Feeney and agreed by the members present that the report be noted, and the members comments taken into account when the pilot resumes.

## 21/0321

### **Expired bonds/insurance and unrecoupable monies with estates**

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

That the council confirms the number of estates in County Kildare which have had their bonds/insurance expire and the total figure of unrecoupable monies associated with these estates, and the proposed actions to progress taking in charge these estates.

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

A report was received from the Roads, Transportation & Public Safety Department (see Appendix A).

Councillor Farrelly thanked the Director for the comprehensive report noting 33 housing estates had seen their bonds expire and asked what plans the council had to take these estates in charge and how they were budgeting for these works. He also asked if the council had been in contact with the relevant Government departments regarding financial resources.

A lengthy discussion took place amongst the members with the following points made:

- In estates where bonds had expired, where did that leave the residents and what was now going to happen with those 'legacy' estates
- Was TIC dependent on a bond being in place
- Can the issue of legacy estates be looked at every quarter or half yearly?
- Not acceptable that councillors are having to use LPT monies to address legacy issues in some estates
- Shortage of staff assigned to this area is an issue, other local authorities have assigned this function out to external companies competent in the area
- Consideration be given to the council taking a test case against developers who have not finished out estates to proper standards as the legislation is available to do that
- The introduction of both financial and legal structure needs to be considered at national level

Ms Barrett thanked the members for their comments noting that in the older estates, the trigger for the TIC process was the residents submitting a request asking for the estate to be taken in charge. She confirmed that a staff member has been assigned to monitoring bonds on an ongoing basis and the council's preference was for cash bonds with the bond staying in place alongside the planning permission. She confirmed that regarding certification and competent signoff, this only referred to the BCMS system and not the infrastructure. In relation to communication with the public, the records have been brought up to date and are published on the council's website where the public could view the status of their estate. In terms of remediation of the legacy estates, Ms Barrett confirmed that the council had applied to the Developer provided Infrastructure fund and the Building Control Section was in constant engagement with Irish Water on remediation plans. She confirmed that going forward, a bi-annual update on TIC would be provided to the members. **Resolved** on the proposal of Councillor Farrelly seconded by Councillor Caldwell and agreed by the members present that the report be noted and the Building Control Section to provide the members with an update bi-annually.

**22/0321**

**Installation of Solar Panels**

The following adjourned motion in the name of Councillor Colm Kenny was considered by the members.

That the council request the Minister for Housing, Local Government and Heritage to update legislation to include schools and community buildings in the exemptions from planning permission for the installation of solar panels that cover less than 50% of the rooftop (which commercial, industrial buildings, etc. all benefit from already) through use of a Statutory Instrument.

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

A report was received from the Planning, Strategic Projects & Public Realm Department informing the members that changes to primary and secondary legislation was a matter for the Oireachtas and the relevant Minister. This was a matter for the members to agree.

Councillor Kenny noted the report adding that community buildings did not have the same exemptions as school building but that recent comments made by Minister Burke in this area were positive. Councillor Noel Connolly proposed that the council ask the Minister to put a budget in place to facilitate this initiative for schools.

Given the earlier debate related to Councillor Pender's motion, Councillor Heavey queried whether this motion related to a council function given legislation is a matter for the Oireachtas and legislator, and not the local authority. Councillor McEvoy confirmed a Point of Order had been raised in relation to Councillor Pender's motion and if agreed, the same process could be followed as had been on Councillor Pender's motion. Councillor Pender stated Councillor Kenny's motion had a direct correlation with the council's planning function and suggested it could be considered during the review of the County Development Plan.

**Resolved** on the proposal of Councillor Kenny seconded by Councillor Noel Connolly and agreed by the members present that the report be noted and correspondence issue to the Minister for Housing, Local Government and Heritage as requested.

**23/0321**

**International Women's Day**

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



That the council celebrate International Women's Day this year by commemorating great Kildare female writers and options might include any or all of the following -

Talks from current Kildare female writers; Maynooth University Event; Involve students' schools - prize for short stories; Online writing workshop with Kildare writer/s; Online Concert with Kildare Female songwriters.

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

A report was received from the Economic Development, Community and Culture Department informing the members that as International Women's Day was the 08 March the Economic, Community and Cultural Directorate are happy to take on board the suggestions made for events for 2022.

Councillor McLoughlin Healy welcomed the report that the proposal would be taken on board for next year.

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

#### **24/0321**

#### **Cycle to Work Scheme**

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

That the council contact the relevant Government departments to request that councillors be allowed avail of the Cycle to Work Scheme.

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

A report was received from the Human Resources section informing the members that the Department of Finance were contacted on this matter and have advised that elected members are not eligible for the scheme. The LGMA have also confirmed that elected members are not employees of the council. The scheme is specific to employees and the council do not have the authority to alter the scheme.

Councillor Clear noted the report stating that the Department of Finance administer the scheme and sought the members support in writing to the Minister for Transport on the matter. The members agreed. Councillor Neville confirmed that he would raise it with LAMA. Councillor Kelly stated she would bring it to the attention of the AILG.

**Resolved** on the proposal of Councillor Clear seconded by Councillor Pender and agreed by the members present that the report was noted and the council contact the Minister for Transport to request that councillors be allowed avail of the Cycle to Work Scheme.

The Cathaoirleach proposed to take item 24 and 25 on the agenda together as they both referred to the Land Development Agency Bill 2021. The members agreed.

### **25/0321**

#### **Land Development Agency Bill 2021**

The following joint motion in the names of Councillors Nuala Killeen, Aidan Farrelly, Bill Clear and Chris Pender was considered by the members.

That as Section 183 of the Local Government Act, is one of the most important reserved functions delegated to elected members: Kildare County Council opposes the provisions in the Land Development Agency 2021 Bill (to be enacted) which overrides the decision making of elected members regarding the transfer or sale of public land by a Bill that would further undermine local democracy and the work of our council executive in the proper planning of our county and our local communities and that the council writes to the Minister for Housing and Local Government demanding an immediate halt to the progression of the Land Development Agency Bill 2021, asking the Minister to engage in consultation with Local Authorities' representation groups.

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

The following joint motion in the names of Councillors Anne Breen, Aoife Breslin, Angela Feeney, Ciara Galvin was considered by the members.

That the council rejects the provisions contained in the Land Development Agency 2021 Bill published by the Government removing the role of the elected members of Local Authorities in approving the transfer or sale of lands, to the Land Development Agency and communicates this decision to the Department of Housing, Local Government and Heritage.

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

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

Councillor Killeen referred to the Land Development Agency Bill 2021 and its intention to bypass the members in its implementation, and called on the council to request the Minister not to transfer land to the Land Development Agency, without it coming before council first. She noted there was a target set of 150k new houses to be built by 2040, but that the councillor's role in the planned use of land when making its County Development Plan and Local Area Plans would be removed if this Bill got passed into law.

Councillor Feeney supported Councillor Killeen's comments noting the council's motivation should be to ensure elected representatives continue to propose and control the management of public council lands for social housing. She stated what was proposed in the Bill was an affront to local authority members and the members should not accept any diminution of function.

A discussion took place amongst the members with the following points made:

- The proposed legislation makes a disingenuous claim that it was going to speed up housing development and similar to the SHD process, it would do the opposite
- There is no record in Kildare of Part 8's for housing developments being rejected
- Councillors have been responsive and proactive in the delivery of houses in Kildare
- Dublin Authorities have been voting against housing Part 8s which has instigated the proposed changes under the Bill
- The proposed changes relate to lands for the development of associated infrastructure also ie roads etc
- The proposed legislation will take away one of the core functions of democratically elected representatives
- A lot of community groups have contacted members in relation to this, voicing their concerns
- The Land Development Agency brings positives too via developments in partnership with local authorities, and these should be encouraged

Ms Aspell confirmed that Kildare County Council had no history in recent times of rejecting Part 8's for housing developments. Mr Ryan confirmed that the LDA did not have powers to rezone lands and that the Bill only allowed them to prepare Masterplans.

**Resolved** on the proposal of Councillor Killeen, seconded by Councillor Feeney and agreed by the members present that the report was noted and correspondence issue to the Department of Housing, Local Government and Heritage as requested.

As the time was approaching 6 o'clock the Cathaoirleach proposed the suspension of standing orders for 30 minutes to complete the agenda. This proposal was seconded by Councillor Peggy O'Dwyer and agreed by the members.

**Resolved** on the proposal of the Cathaoirleach, seconded by Councillor Peggy O'Dwyer and agreed by the members that Standing Orders be suspended for 30 minutes.

### **27/0321**

#### **Noise Action Plan 2019-2023**

The following joint motion in the names of Councillors Peggy O'Dwyer and Tim Durkan was considered by the members.

That the council give a full update in relation to noise reducing measures on all motorways in county Kildare as outline in the third Noise Action Plan 2019-2023 to include the following; installation of noise reducing tarmac, installation of noise reducing barriers, installation of natural noise reducing measures (trees) and a timeline and completion date for all proposed improvement measures.

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

A report was received from the Roads Transportation and Public Safety Department informing the members that TII through their Motorway Maintenance and Renewals Contract have an on-going programme of pavement renewals which typically involves the replacement of the existing pavement material with a surface course material that has noise reducing properties. The Kildare NRO Office is not aware of any plan or programme to implement the measures as set out in the motion.

Councillor O'Dwyer stated her motion related to the councils 3<sup>rd</sup> Noise Action plan but noted that the report stated TII were responsible through their motorway maintenance and renewals contract and sought clarity on who was actually responsible for the implementation of the Noise Action Plan. Councillor Durkan stated that the road surface on parts of the Kilcock/Leixlip to Maynooth road were of varying quality with some parts 22 years old with the noise levels extremely bad as a

result. He stated that he had raised this issue at every forum and level he could but it was yet to be dealt with and asked that TII be requested to deal with the issue. Ms Barrett stated that the Stone Mastic Asphalt surface used in current motorway projects was of a far superior standard to that used in older projects. Following discussion, it was agreed to invite TII to meet with the council at a date in the future to address the members concerns.

**Resolved** on the proposal of Councillor P O'Dwyer seconded by Councillor Durkan and agreed by the members present that the report be noted and TII invited to a meeting with the members to address their concerns.

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The Cathaoirleach noted it was just 6.30pm and sought the members agreement to adjourning the remaining business to the April meeting. Councillor Hamilton noted that his motion was time bound and asked if it could be taken before the meeting concluded. The members agreed.

Councillor Heavey noted that 8 motions had been adjourned from the February meeting and now 10 motions were being adjourned to the April meeting and proposed that another meeting be arranged to clear the agenda.

Councillor McEvoy stated that it was up to the members how they used their time at meetings, and they needed to balance this against what they wanted to speak on. He noted that the management of time at meetings was a collective issue and asked the members to reflect on this for future meetings, as continuously extending standing orders was counterproductive.

Councillor Keatley proposed that following Councillor Hamilton's motion, the meeting conclude, and the remaining business be adjourned to the April meeting. Councillor Kelly seconded this proposal. The members agreed.

**Resolved** on the proposal of Councillor Keatley, seconded by Councillor Kelly and agreed by the members that Councillor Hamilton's motion be taken next and the remaining business of the meeting be adjourned to the April meeting.

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28/0321

**Decarbonized Zone Strategy for Kildare**

The following motion in the name of Councillor Peter Hamilton was considered by the members. That the council prepares a Decarbonized Zone strategy for Kildare based on the Department of Housing, Local Government and Heritage circular of February 2021 including proposed locations for decarbonised zones based on the national criteria for selection, and complementary strategies for low carbon towns and villages in Kildare.

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

A report was received from the Climate Action Regional Co-ordinator informing the members that all of Government Climate Action Plan, 2019 sets out an ambitious whole-of-society approach designed to enable Ireland to meet its EU targets of reducing carbon emissions by 30% by 2030, and thereafter to achieve net zero carbon emissions by 2050. Action 165 of the Plan sets Local Authorities the challenge of initially identifying and developing a Decarbonising Zone in each county. This has been reinforced by the recent circular from the Department of Housing, Local Government and Heritage which requires that all local authorities nominate their candidate pilot zone by the end of April. In addition, the Climate Action and Low Carbon Development (amendment) Bill 2020 which is currently before the Dáil will certainly result in more stretched climate related targets being required from all sectors.

It is noted that a Decarbonising Zone (DZ) is defined as a spatial area in which a range of climate mitigation, adaptation and biodiversity measures and action owners are identified to address local low carbon energy, greenhouse gas emissions and climate needs to contribute to national climate action targets. The Decarbonisation Zone shall be either (i) an urban area or agglomeration with a population not less than 5000 persons, or (ii) a rural area with an area of not less than 4km<sup>2</sup>.

In summary, the matter is currently being actively assessed by the Climate Action Team with a view to making a recommendation to a special meeting of the Climate Action SPC to be held on 15 April. A non-statutory public consultation process is also ongoing in order to inform this process. The matter will then be referred to the plenary Council at its April monthly meeting for formal decision. The CPG in endorsing this approach has also noted the very tight timeframe involved.

Councillor Hamilton thanked Mr Dunney for the thorough response and stated it was an opportunity to highlight the initiative given the very tight timelines involved, noting it had been raised at the March CPG and would be before the plenary council in April.

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

The meeting concluded.

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## Appendix A

### Adjourned Motion:

#### **Councillor Aidan Farrelly**

That the council confirms the number of estates in county Kildare which have had their bonds/insurance expire and the total figure of unrecoupable monies associated with these estates, and the proposed actions to progress taking in charge these estates.

### Report:

This information is extracted from the Report circulated to Members at the plenary meeting in December 2020, and each of the MD meetings throughout January 2021. Where more up to date information is available this has been inserted and a date noted in brackets in the “Bond Type” column.

There are 5 estates within the Athy Municipal District, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €245,395.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
9305	Moone	The Village		Cash	All spent.
9101	Castledermot	Saint Johns	ICC Bank PLC £30,000 (€25,395)	ICC	Expired
9905	Athy	Branswood		Expired	Expired
8113	Calverstown	Cluain Aoibhinn	Allianz €120,000	Allianz	Expired
9102	Castledermot	The Friary	01/1876 Bank of Scotland €100,000	Bank of Scotland	Expired 31st March 2007

There are 10 estates within the Clane-Maynooth Municipal District, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €902,041.61.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
3203(c)	Clane	Churchfield	Allied Irish Bank Bond of £31,000 (€39,361.88)	Allied Irish Bank	Expired 30/06/2002
3215	Clane	Capdoo Park	Construction Industry Federation letter of guarantee. £61,000 €77,454.02 (01/02/2021)	CIF	Expired 31/07/2005
3633	Johnstownbridge	Kilmurray Brook	Bank of Ireland €45,710.57	Bank of Ireland	Expired
3536	Kilmeague	Bodkin Place,	Bank of Ireland €52,000	Bank of Ireland	Expired
3532	Kilmeague	Castlebawn,	€40,000 Bank of Ireland	Bank of Ireland	Expired
3305	Prosperous	Emerson Court	€25,395 - Bank of Ireland	Bank of Ireland	Expired
3113	Kilcock	Shawbridge, Chambers Park, Branganstown	ACC Bank - €622,000 Portion of proceeds of the sale of the commercial units received + €154,972 (01/02/2021)	ACC	Expired
3612	Derrinturn	Graces Park,	Ulster Bank Ireland LTD - €104,000	Ulster Bank	Expired
1203	Maynooth	Meadowbrook Estate	Bank €38,092.14 (01/02/2021)	Irish Bank of Commerce	Expired 30/09/1998
3504	Robertstown	Lowtown View,	€13,000 (01/02/2021)	Ulster Bank	Expired

There are 2 estates within the Naas Municipal District, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €159,046.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
4107	Sallins	Sallins Wharf & Pier	Construction Industry Federation - €140,000	CIF	Expired
4102	Sallins	Osberstown Court,	Bank of Ireland - £15,000 (€19,046)	Bank of Ireland	Until Taken In Charge, will not pay out on this, quoting the statutes of limitation.



There are 15 estates within the Kildare Newbridge Municipal District, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €1,835,599.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
4305	Two Mile House	Stephenstown Court,	(00/884) €29,204 Allied Irish Bank	Allied Irish Bank	Expired.
7106	Kilcullen	Cnoc na Greine	Allianz - €160,000	Allianz bond called in. Cash received	Allianz Bond of €80,000 paid to cover 4 estates
5137	Newbridge	Walshestown Abbey	Allianz Bond of €80,000 paid to cover 4 estates Cnoc na Greine, Walshestown Abbey, Ballymany Manor and Castle Martin. Balance remaining €35,559.05	Allianz bond now Cash €35,559	Cash
3550	Caragh	Caragh View,	De Montford Insurance Company	De Montford Insurance Company	Expired
6122	Kildare	Rathbride Close	Bank of Ireland €55,000	Bank of Ireland	Expired
6119	Kildare	White Abbey Court	Bank of Ireland €25,395	Bank of Ireland	Expired
5136	Newbridge	Curragh Grange	Anglo Irish Bank - Reduced to €225,000 on 11/02/08.	Anglo Irish Bank	Expired
6223	Monasterevin	Old Mill Race	Ulster Bank €136,000	Ulster Bank	Expired
5148	Newbridge	Walshestown Park	IIB Bank €924,000	IIB	Expired
7108	Kilcullen	Riverside Manor	IIB - €110,000	IIB	Expired 2010
6330	Nurney	Castle Raven	Allied Irish Bank - €50,000	Allied Irish Bank	Expired June 2003
6301	Ellistown	Red Hills Park	Bank of Ireland -€100,000	Bank of Ireland	Expired Oct 2008
5120	Newbridge	College Orchard	Bank of Ireland - Expired	Bank of Ireland	Expired October 2000
8112	Calverstown	Burrow Manor	ACC Bond €75,000 04/148. Called in March 2015 and May 2020. Unsuccessful.	Bond called in	Unsuccessful
3535	Allen	Allen Court,	Cash €30,000	Cash	Cash spent public lighting bills and tankering effluent.

There is 1 estate within the Celbridge Leixlip Municipal District, where the Development Bond has expired, or there are no funds remaining. The amount of this Bond prior to expiration was €734,000. However, according to our records, there is a Management Company in place and the question of Taking In Charge does not arise.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
2132	Celbridge	Primrose Gate	Construction Industry Federation Letter of Guarantee - €734,000	CIF expired	Expired

It should be noted that the total figure of unrecoupable bond monies does not necessarily correspond with the actual costs involved in bringing estates to a taking in charge standard. Each estate would need to be assessed separately to provide cost estimates of the work involved to bring it to a taking in charge standard. In order to assess each estate for taking in charge standard, a CCTV survey of the foul and storm lines, a manhole survey and a leak detection survey of the watermain would need to be carried out to identify any remedial works required underground. In estates where a pumping station is present this would also need to be snagged. All above ground snag items and outstanding completion works would then need to be identified. As-constructed drawings/vesting maps/taking in charge maps would need to be prepared. Irish Water approval would also need to be sought prior to recommending taking in charge. Funding would need to be identified to carry out all of these works.

Given the level of construction activity under way in the county, and the need to monitor these sites on an ongoing basis, the Development Control Section unfortunately does not have the resources to carry out surveys to prepare approximate costings as outlined.

In addition to ongoing monitoring of active building sites to minimise obstacles to taking in charge in the future, the technical staff in the Development Control Section have prioritised a number of estates and are actively working in each MD Area to progress several estates to taking in charge standards before with the intent of bringing them to the relevant MD meetings throughout the year. However, resources are finite, and attention cannot be given to all estates throughout the county at the same time.

Celina Barrett  
 A/Director of Services,  
 Roads, Transportation & Public Safety Department.