

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

**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, 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, M Stafford, P Ward, B Weld and B Wyse.

**Apologies:** Councillor D Fitzpatrick.

**Also Present:** Ms S Kavanagh, Interim Chief Executive, Ms A Aspell, Mr E Ryan, Ms E Wright (Directors of Service), Ms M Higgins (A/Director of Service), Ms B Sweney (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 November meeting of full council 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.

**01/1121**

**Bereavements**

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

John Ludden, father of Teresa Ludden, Human Resources

Marie Dowling, sister of Bridget McNally, Finance

Patsy Maguire, brother of Eamonn Maguire, IT

Janette O'Neill, sister of Maura Broughall, Corporate Services

Alan Davy, brother of Ivor Davy, Housing

A minute's silence was observed.

#### **02/1121**

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

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

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

#### **03/1121**

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

The council considered the minutes of the monthly meeting held on the 18 October 2021, the special meeting of the council held on the 21 October 2021, together with the progress report.

**Resolved** on the proposal of Councillor S Moore, seconded by Councillor B Caldwell and agreed by the majority members present that the minutes of the monthly meeting on 18 October 2021, and the minutes of the special meeting of the council held on the 21 October 2021 be adopted.

The progress report was noted.

#### **04/1121**

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

The members noted the Chief Executives monthly management report.

#### **05/1121**

##### **Section 183 Agreements**

The members considered the disposal of lands pursuant to Section 183 of the Local Government Act 2001, as amended:

- i. Disposal of 0.015 ha. at Prumplestown Upper, Co Kildare. (Statutory notice 15 November circulated previously and attached)
- ii. Disposal 0.264 ha. at Cloghrystick, Co Carlow. (Statutory notice 15 November circulated previously and attached)

**Resolved** on the proposal of Councillor Caldwell, seconded by Councillor Hamilton and agreed by the members present that the disposal of 0.015 ha. at Prumplestown Upper, Co Kildare be approved.

**Resolved** on the proposal of Councillor Stafford, seconded by Councillor A Connolly and agreed by the members present that the disposal of 0.264 ha. at Cloghrystick, Co Carlow be approved.

#### **06/1121**

##### **Section 85 Agreement**

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the approval of a Section 85 Agreement with South Dublin County Council, Kilkenny County Council, Laois County Council and Fingal County Council to allow works be carried out under Eirspan Task Order 324.

**Resolved** on the proposal of Councillor S Moore, seconded by Councillor A Breen and agreed by the members present that the Section 85 Agreement with South Dublin County Council, Kilkenny County Council, Laois County Council and Fingal County Council to allow works be carried out under Eirspan Task Order 324, be approved.

#### **07/1121**

##### **Section 85 Agreement**

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the approval of a Section 85 Agreement with Wexford County Council to allow works be carried out under Eirspan Task Order 325.

**Resolved** on the proposal of Councillor F Brett, seconded by Councillor B Wyse and agreed by the members present that the Section 85 Agreement with Wexford County Council to allow works be carried out under Eirspan Task Order 325, be approved.

#### **08/1121**

##### **Audit of the Annual Financial Statements 2020**

Ms Sweeney confirmed that the reports on the audit of the Annual Financial Statements 2020 circulated to the members previously and which include the Audit Committee Report in accordance with Section 121 Local Government Act 2001, as amended, the Unmodified Audit Opinion and the Local Government Audit Service Statutory Audit Report, were listed for noting on today's agenda. She confirmed Kildare County Council had again received an unmodified Audit Opinion with no changes necessary. She also confirmed the Local Government Audit Services

Statutory Audit Report had been considered at the meeting of the Audit Committee earlier in the month and that the Local Government Auditor had attended to answer any queries from the committee. She confirmed that the Chairperson of the Audit Committee, Dr Moling Ryan would be attending the April 2022 meeting to present the Audit Committee Annual Report. Ms Sweeney confirmed that notwithstanding that the reports were for noting, the members could raise any questions they had on the reports. As a member of the Audit Committee, Councillor Moore supported Ms Sweeney's comments and proposed that the reports be noted. The reports were noted by the members.

### **09/1121**

#### **Section 141 Reports from Other Bodies**

The members considered reports from members appointed to Other Bodies, pursuant to Section 141 of the Local Government Act 2001 as amended. The following reports were received at the November meeting:

- Athy Community Enterprise Company CLG
- County Kildare Leadership Partnership
- Kildare Community Network Community CLG
- Regional Health Forum Dublin Mid-Leinster
- Local Community Development Committee

The Cathaoirleach asked that the members direct any questions they had on these reports to the members appointed to the relevant bodies.

Councillor Doyle confirmed that Mr Alan Kerry had made a presentation to the last LCDC meeting on the National Transport Plan as it pertains to Kildare, noting that the council needed to make a more detailed submission to the NTA on this plan. She also sought the members support regarding additional funding for the LCDC given Kildare's LCDC was one of the most severely under resourced LCDC in the country and in any such submission, it should utilise the data available to it through AIRO, to support the request for additional funding.

The reports were noted.

### **10/1121**

#### **Draft Meetings Calendar 2022**

The Meetings Administrator referred to the draft calendar and report circulated previously which outlined the proposed dates of meetings for 2022 and changes from that agreed previously. She

noted that confirmation was still awaited on a number of meetings, which would be communicated to the members once confirmed.

Councillor Farrelly asked if the dates for the CDP review and LAP review meetings for 2022 could be confirmed. Councillor Liston sought confirmation of any upcoming workshop dates for the County Development Plan review also. Mr Ryan stated the Planning Department would be holding workshops and he would confirm the dates as soon as possible and issue an update to the members in this regard.

**Resolved** with the agreement of the members present, the draft Meetings Calendar for 2022 was approved and the finalised calendar would be circulated once confirmed.

Councillor McLoughlin Healy joined the meeting and sought the Cathaoirleachs permission to return to item 7 on the agenda related to the Annual Financial Statements 2020 and the Audit reports on same. She stated that she had encountered technical difficulties whilst trying to join the meeting and had a number of queries she wished to raise. The Cathaoirleach stated the item had been dealt with and the meeting had moved on, but that Councillor McLoughlin Healy could direct her queries to Ms Sweeney who could respond to them after the meeting.

## 11/1121

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

The Cathaoirleach noted that a lot of events had moved online over the last month, however, he did have the opportunity to attend the launch of the Thoroughbred Country Destination Experience Development Plan in the National Stud and the launch with Kildare Failte in Kilkea Castle of the Strategic Plan for Tourism in the County for the next five years. He also commended the Celbridge Action Group for their excellent initiatives for Disability Awareness Week, which had been launched that morning attended by Councillors Neville, Cussen and Coleman also.

The Cathaoirleach extended his congratulations to all the Tidy Towns Groups throughout the county on their achievements in the recent competition noting the Gold, Silver and Bronze awards for the county which was remarkable and testament to the hard work of these groups on behalf of the people of Kildare.

The Cathaoirleach confirmed that Abarta Ltd. would be making an online presentation to the members on Monday 13 December at 10am in relation to the commissioned Bridget 1500 report. He also confirmed that a presentation from SIPTU was scheduled for 4pm on Monday 17 January 2022 and invites to both events would issue to the members in due course.

**12/1121**

**Comhfhreagras/Correspondence**

The Meetings Administrator confirmed ten items of correspondence had been circulated with the Progress Report to the members, including two acknowledgements – one from the Office of the Taoiseach and one from the EPA related to two motion referrals from plenary council. She confirmed six motion referrals from other local authorities and two Circulars - LG 04-2021 Increase to Elected Members Annual Remuneration and LG 05/2021 Allowances and Expenses of Elected Members, were included also.

The correspondence was noted.

Councillor Coleman referenced a copy of a letter he had sent to the Cathaoirleach in relation to Jadotville, and which had been circulated to the members for information. He outlined the background to the issues he had raised in his letter to the Cathaoirleach which were on foot of a review of the publication of the Report by the Independent Review Group on Jadotville.

Following discussion, the Cathaoirleach asked that the letter be referred to the Protocol and Procedures Committee for discussion on the follow up correspondence to issue.

**Resolved** on the proposal of the Cathaoirleach supported by Councillor Coleman and with the agreement of the members that the letter be referred to the Protocol and Procedures Committee to prepare a letter for circulation to the members for approval and for issue from the Cathaoirleach.

**13/1121**

**Conferences and Training**

The members considered the conference and training report that was circulated in advance of the meeting. The Meetings Administrator confirmed that retrospective approval was sought for Councillors F. Brett and J. Neville's attendance at the LAMA Autumn Training Seminar in the Sligo Park Hotel on the 3<sup>rd</sup> and 4<sup>th</sup> November with a cost of €150 plus travel and subsistence, and for Councillor F. Brett's attendance at AILG training in the Clayton Hotel, Ballybrit, Co Galway on Saturday 6<sup>th</sup> November at a cost of €65.

Approval was sought for AILG online training on Sustainable Travel and Transport Planning and Local Authority Development Plans on Friday 26 November with no fee.

**Resolved** on the proposal of Councillor C Kelly seconded by Councillor S Doyle and agreed by the members present that retrospective approval be given for Councillors F. Brett and J. Neville's

attendance at the LAMA Autumn Training Seminar in the Sligo Park Hotel on the 3<sup>rd</sup> and 4<sup>th</sup> November and a cost of €150 plus travel and subsistence and for Councillor F. Brett's attendance at the AILG training in the Clayton Hotel, Ballybrit, Co Galway on Saturday 6<sup>th</sup> November at a cost of €65. The AILG online training on Sustainable Travel and Transport Planning and Local Authority Development Plans on Friday 26 November with no fee, was also approved.

#### 14/1121

#### **Adjustment of HAP tenant contribution**

The following motion in the names of Councillors Suzanne Doyle, Naoise Ó Cearúil, Veralouise Behan, Brian Dooley, Bernard Caldwell, Michael Coleman, Daragh Fitzpatrick, Paul Ward, Anne Connolly, Noel Heavey, Robert Power & Carmel Kelly was considered by the members.

That the council request an adjustment of HAP tenant contribution from the Department of Housing, Local Government & Heritage for the Winter period having consideration for significant increases in energy bills and particularly prepay electricity.

The motion was proposed by Councillor S Doyle and seconded by Councillor B Caldwell.

A report from Ms A Aspell, Director of Services Housing and Corporate Services stated that this was a matter for the members to agree, however, for information in the context of considering the motion; a weekly fuel allowance of €28.00 is payable to long term social welfare recipients. Payment of the allowance commenced on the 28 September 2021 and is expected to continue for 28 weeks.

Councillor Doyle acknowledged the response but stated it did not take account of the fact that not everyone on HAP is a social welfare recipient and that a lot of HAP stock were older properties which would not have the same insulation standards as newer properties. Councillor Durkan enquired in relation to the BER standards that are necessary on HAP properties and Ms Aspell said she would confirm the position after the meeting.

Councillor Doyle sought the members support to issue the letter as requested. The members agreed.

**Resolved** on the proposal of Councillor S Doyle, seconded by Councillor B Caldwell and agreed by the members present that correspondence issue to the Department of Housing, Local Government and Heritage as outlined in the motion.

**15/1121**

**Tree Maintenance Innovation**

The following motion in the names of Councillors Peter Hamilton, Colm Kenny and Vanessa Liston was considered by the members.

That the council commence an initiative in tree maintenance innovation to investigate and trial alternative techniques to reduce the removal of maturing urban trees, including bridging techniques, growth restriction techniques and other modern tree management methodologies.

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

A report from Ms M Higgins, A/Director of Service, Economic Development, Community and Culture stated that many of the issues that exist with trees and structural issues they cause with footpaths, boundary walls and roads is due to the incorrect tree being planted in the wrong location with insufficient rooting space to grow. Alternatives can be examined but still may not be feasible or practical. This would have to be done in conjunction with Roads Department as there may be cost and public safety implications. A more practical solution is to apply design standards to new developments to design tree planting so that the correct species of tree is chosen based on planting location and the correct area of ground or volume of soil is provided to allow the tree to grow and prevent future problems with roots lifting paths etc. This would be implemented through conditions of planning. Work on the initiative would have to be considered in the context of the large number of works and projects the Parks Section is already committed to.

A report from Ms E Wright, Director of Service, Roads, Transportation and Public Safety Department stated that the Roads and Transportation Department recommended that any investigation should include appropriate siting and species selection for all new trees to minimise the fracturing of footpaths by root systems and the blocking of public lighting and signage by foliage.

Councillor Hamilton thanked the Directors for the positive response noting that biodiversity innovation had significantly improved over time with different options available to address tree maintenance ie. bridging of footpaths and proposed that each Municipal District Committee allocate €15k towards biodiversity innovation. Councillor Cussen supported the motion noting she

had submitted a motion in 2018 requesting that a Tree Policy for the county be put in place. She stated that her motion had been referred to the Environment SPC but disappointingly, there had been no further progress made on it.

A discussion ensued amongst the members and the following points were raised:

- Had the council considered the use of tree-tanks which prevented tree roots interfering with footpaths
- Unsuitable species of trees being planted in new housing estates
- Tree maintenance and management had a very high monetary cost associated with it.
- Did the council implement the 6m exclusion zone between and trees and services.

Mr Ryan confirmed that there was a table in the County Development Plan that outlined the species suitable for an urban environment and he would ask the planning team to further scrutinise landscaping plans that were submitted with planning applications taking account of the issues the members had raised. He added that they could also look at including guidelines on the 6m exclusion zone in the Draft County Development Plan Review process, which the members could make submissions on.

**Resolved** on the proposal of Councillor P Hamilton, seconded by Councillor V Liston and agreed by the members present, the report was noted.

## 16/1121

### **Communication Boards in Playgrounds**

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

That the council install communication boards in all Kildare County Council playgrounds, to help make our playgrounds more inclusive.

The motion was proposed by Councillor M Leigh and seconded by Councillor C Galvin.

A report from Ms M Higgins, A/Director of Service, Economic Development, Community and Culture stated that the council has been in discussions with Speech Therapists in relation to the design and layout of a Communications Board for playgrounds. We are currently waiting on a draft of the sign from them. Once this is received, we will be procuring the signs. These will be installed in Newbridge, Allenwood and Castledermot playgrounds initially.

Once these are complete, we will roll them out to the other playgrounds around the county. This is subject to identifying the cost of the signs, a budget to print and install them and incorporating the works into a large number of existing work commitments and projects that are already committed to around the county.

Councillor Leigh noted the contents of the report stating communication supports were needed for pre-verbal and non-verbal users and to allow inclusion for all families using the facilities. He welcomed the commitment given to the installation of boards in the three locations referenced but asked that consideration be given to installing a Communication Board in a playground in each of the five municipal districts. Ms Higgins undertook to discuss this request further with the Parks Team. Councillor Farrelly noted on this proposal, the Clane-Maynooth Municipal District Committee had allocated LPT funding towards this item the previous year adding that he had met with Mr Wallace the previous week and the signs needed to be of roadside standard and have the ability to be adapted and changed. Following an enquiry, Ms Higgins confirmed she would circulate the cost of the Boards to the members after the meeting.

**Resolved** on the proposal of Councillor M Leigh, seconded by Councillor C Galvin and agreed by the members present the report was noted and consideration would be given to providing a communication board in a playground in each municipal district.

### 17/1121

#### **Large Scale Residential Developments Bill**

The following motion in the names of Councillors Aidan Farrelly and Bill Clear was considered by the members.

That the council hosts an online briefing for members on the proposed new Large Scale Residential Developments Bill which is due to replace the Strategic Housing Development legislation, inviting representatives from the Department of Housing, Planning and Local Government and the AILG to present guidance.

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

A report from Ms C O'Grady, Senior Executive Officer, Corporate Services stated that with the members agreement, a request can issue to the AILG and the Department of Housing, Planning and Local Government in this regard.

Councillor Farrelly confirmed that the Bill was currently before the Seanad and a request for a briefing at this time might be premature until such time as the Bill has formally passed and proposed that the briefing be requested for Quarter 1 2022. Councillor Clear stated the SHD model had not worked, and the consideration of these largescale housing developments needed to come back to the local authorities who had the necessary knowledge to deal with these applications. He also noted that An Bord Pleanala had received additional resources when they took on SHDs and the local authorities will require additional resources if these LSRDs are to be dealt with by the local authority. Councillor Brett confirmed that training on the LSRDs was included in the AILG's training programme for 2022.

Mr Ryan noted the members comments stating that the Development Management Team were struggling to keep pace with the current workload, and that LSRDs would add to this workload and additional resources would be needed. Following discussion, it was agreed that a request would issue to the AILG and the Department to provide a briefing when the Bill has been finalised.

**Resolved** on the proposal of Councillor Farrelly, seconded by Councillor Clear and agreed by the members present the report was noted and a request would issue to the AILG and the Department to provide a briefing when the Bill had been finalised.

### **18/1121**

#### **Tidy Towns Groups**

The following motion in the name of Councillor Peggy O'Dwyer was considered by the members. That the council write to all the Tidy Towns Groups in Kildare thanking them for their valuable work and commitment in their communities in making them a better place to live.

The motion was proposed by Councillor P O'Dwyer and seconded by Councillor T. O'Dwyer.

A report from Mr J Boland, Director of Service, Water Services, Environment and Climate Action stated that with the members agreement, the council can write to Kildare Tidy Towns Groups as requested.

Councillor P O'Dwyer asked the Cathaoirleach if he would write to the Tidy Towns Groups on the members behalf. The Cathaoirleach agreed. Councillor Brett congratulated the Kill Tidy Towns Group on winning gold adding they had asked him to convey their thanks to Mr Joe Boland and to the Parks Team for all the assistance they had received from the council.

**Resolved** on the proposal of Councillor P O'Dwyer, seconded by Councillor T. O'Dwyer and

agreed by the members present the report was noted and the Cathaoirleach would write out to the Tidy Towns Groups on the members behalf, thanking them for their valuable work and commitment in their communities in making them a better place to live.

**19/1121**

**Parking Bays for People with Hidden Disabilities/Autism**

The following motion in the name of Councillor Chris Pender was considered by the members. That the council investigate locations to install parking bays for people with hidden disabilities/autism similar to those installed by Waterford County Council throughout the county.

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

A report from Ms E Wright, Director of Service, Roads, Transportation and Public Safety Department stated that Waterford County and City Council have recently installed two “hidden disability bays” in an off-street car park in Dungarvan, Co Waterford, and users of these bays are required to pay and display for their parking. Regular disability/accessibility bays are provided for all disability badge holders and are regulated under the Road Traffic Act and the Road Traffic Regulations. At present, there is no legislation for the installation (road markings & signs) or the regulation of “hidden” disabilities/autism bays, therefore the proposed bays are not enforceable. The Transportation Department would like to advise the Members that the Pay Parking Section is in the initial stages of reviewing a number of parking bye-laws across the County. Once prepared, the draft parking bye-laws for each town will be advertised in due course where submissions may be submitted.

The Roads and Transportation Department would further advise that if the Members wish to proceed with such initiatives, that these proposals be made through the SPC and at county level to ensure consistency in the provision of parking services across all towns in County Kildare.

Councillor Pender stated he understood the limitations but asked that the council continued to work on this in advance of the impending legislation and requested that the matter be referred to the Transportation SPC for consideration.

**Resolved** on the proposal of Councillor C Pender seconded by Councillor B. Clear and agreed by the members present that the report was noted, and the motion be referred to the Transportation SPC for consideration.

**20/1121**

**Protected Structures**

The following motion in the name of Councillor Íde Cussen was considered by the members. That members are provided with details of the measures that Kildare County Council have in place to ensure Protected Structures are protected where there is a planning permission granted relating to same.

The motion was proposed by Councillor Í Cussen and seconded by Councillor T O'Dwyer.

A report from Mr E Ryan, Director of Service, Planning and Strategic Development stated that Planning permissions which relate to works on protected structures are assessed by the Case Planner with regard to relevant policies as set out in the County Development Plan and Local Area Plans together with guidance provided in the Architectural Heritage Protection Guidelines. The Architectural Conservation Officer also prepares a report which informs this overall assessment. Conditions are then imposed on every grant of permission which are tailored specifically for each proposal.

Councillor Cussen noted the report but asked what the position was when a Protected Structure had fallen into disrepair, got structurally damaged or was damaged due to the weather. Mr Ryan confirmed there was a statutory process to add structures to the RPS and the council were currently in the process of adding structures, but this area of work was very resource heavy. He confirmed that the Architectural Conservation role had been vacant for some time, but it was being filled imminently. Mr Ryan stated that Section 59 of the Act had provision for the council to "direct" owners to carry out works but noted that funding was an issue. He advised the members to contact the Planning Department if they were concerned about a particular structure. The members expressed concern that structures were being added to the list, but the council needed to find ways to proactively engage with the owners of these properties to ensure the best possible outcome of their addition to the RPS for all concerned.

Councillor Cussen noted that the onus seemed to be on the public or an elected member to bring the Planning Authority's attention to matters of concern re protected structures and sought clarification in relation to compliance with conditions of planning attaching to protected structures. Mr Ryan confirmed there were examples in his own municipal district where there had been active engagement with owners of protected structures. He noted the planning authority could only attach

conditions if the owner came in with a planning permission and agreed that everything possible should be done to protect the heritage of the county.

**Resolved** on the proposal of Councillor Í Cussen, seconded by Councillor T O'Dwyer and agreed by the members present, the report was noted.

## **21/1121**

### **Electrification & Dart Delivery of Rail Services**

The following motion in the name of Councillor Seamie Moore was considered by the members. That the members support a letter being sent to each Kildare Public Representative in Dáil and Seanad Éireann, urging them to use their representative positions to advance Government and National Transport Authority support for a 3-5 year commencement of the Electrification & Dart Delivery of Rail Services to Central Kildare instead of a 15 years timescale in the new Transport Strategy for the Greater Dublin Area and that our officials and elected members combine to make a formal submission to the Strategy.

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

A report from Ms E Wright, Director of Service, Roads, Transportation and Public Safety Department stated that the DART+ programme is managed by Irish Rail and involves an increase of the DART electrified network from 50km to over 150km. The Programme was launched in 2019 and the DART+ South West scheme to Celbridge/Hazelhatch and the DART+ West scheme to Maynooth are programmed to be operational in the period 2022-2030. The proposed DART extensions to Kilcock and Naas are due to be operational in the period 2031-2042. This rail improvement project will provide sustainable electrified, reliable and more frequent rail service to and from Dublin.

Kildare County Council has lodged a submission to Irish Rail in respect of the Dart + West project which represents a positive development for the north of County Kildare.

Councillor Moore stated that all the members were aware of this development in Kildare and the fact that the GDTs ran to 2042. He outlined his concerns that the Dublin Metropolitan area was restricted in its ability to grow due to the project delivery timelines set down in the Strategy and expressed the view that a strategy should be open to review. Councillor Moore stated he considered that Kildare's representatives in the Dáil and the Seanad were not pushing this agenda

thus it was incumbent on the local councillors to do so and sought the members support in this regard.

The Cathaoirleach noted that the council had already made a submission to the Dart+ West scheme and the submission period for the Dart+South West scheme was not yet open. On this basis, he sought confirmation that the request to make a submission on the South West scheme be deferred until the submission period was open. Councillor Moore stated that the support was needed for the Dart+ South West route and asked that a copy of the submission made on the Dart+West route be circulated to the members.

Councillor Hamilton proposed an amendment to the motion as follows:

That the members support a letter being sent to each Kildare Public Representative in Dáil and Seanad Éireann, urging them to use their representative positions to advance Government and National Transport Authority support for a 3-5 year commencement of the Electrification & Dart Delivery of Rail Services to Central Kildare and in North Kildare on the Maynooth line, instead of a 15 years timescale in the new Transport Strategy for the Greater Dublin Area and that our officials and elected members combine to make a formal submission to the Strategy.

Councillor Hamilton, Councillor Durkan, Councillor Behan and Councillor Killeen all sought amendments to the motion to broadly include that the request be countywide, the letter also go to the Minister for Transport and the funding be clarified.

Following discussion, the members made the following points:

- Continuing Government investment in roads projects and the widening of roads and the significant overspends in the area is contrary to the sustainable transport agenda and does not work
- The submission period on the Dart+ South West project was open until 17 December
- The council should be querying the funding commitments for these projects as there are questions around whether the funding is actually available
- The request should issue to the Minister for Transport also
- Ask the NTA to make a presentation to the members, as committed to at a recent Oireachtas briefing
- Asked that the motion be amended to include South Kildare County Council
- The Eastern Midlands Regional Authority supported the expansion of the rail line going to Kilcock, and continually encouraged sustainable transport projects

- Councillors needed to highlight on their own social media accounts the fact that these public consultations were open and encouraged the public to get involved and make submissions.

Councillor Moore thanked the members for their support stating he was not concerned with the funding commitments, he was looking for the programming/scheduling of the Dublin Cork route to be delivered quicker for the benefit of the entire county and was happy to amend the wording to state County Kildare as opposed to Central, North and South.

Councillor Hamilton confirmed he was happy to withdraw his proposed amendment to the motion on that basis.

Ms Wright stated that the GDA investment strategy was worth €28 million and the phasing strategy was outlined on page 218 of the document, noting that this was the area of focus that any correspondence should be based on.

The Cathaoirleach read the proposed final amended motion into the record,

That the members support a letter being sent to each Kildare Public Representative in Dáil and Seanad Éireann and the Minister for Transport, urging them to use their representative positions to advance Government and National Transport Authority support for a 3-5 year commencement of the Electrification & Dart Delivery of Rail Services to County Kildare, instead of a 15 years timescale in the new Transport Strategy for the Greater Dublin Area and seeking what funding has been committed and to which routes and timelines to which funding allocation applies.

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

**Resolved** on the proposal of Councillor S Moore, seconded by Councillor F McLoughlin Healy and agreed by the members present, that the report be noted and correspondence issue as outlined in the amended motion.

## 22/1121

### Use of Council owned Land

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

That Comhairle Contae Chill Dara divests itself of all land that it owns both inside and outside the County, unless it has a compelling reason for continued ownership (ie. that the land is being used productively or that it has immediate or strategic plans for its use); and that it uses the proceeds of these sales to improve and grow its housing stock, including the purchase of land suitable for public housing provision.

The motion was proposed by Councillor N Connolly and seconded by Councillor Í Cussen.

A report from Ms Aspell, Director of Service Housing and Corporate Services stated that the Council cannot agree to a general or blanket request as outlined in the motion without considering the implications of doing so. Kildare County Council is a very significant landowner. Each piece of land that the Council owns has its own particular history or background. Acceding to this request would mean assigning significant resources to this area in order to review each parcel of land to make a determination as to whether or not it should be disposed of. Each parcel of land may need to be reviewed by the relevant section of the council, surveyed, reviewed legally to assess any burdens or constraints affecting its sale, fenced, valued, placed on the market and then brought through the Section 183 process. The cost of this broad request is not possible to estimate without a scoping exercise that will take time and resources.

In terms of housing provision, delivery programmes are prepared on foot of instruction from Central Government such as under the Rebuilding Ireland: Action Plan for Housing and Homelessness and now the Housing for All strategy. Availability of land in the ownership of the local authority is a key factor in bringing forward a social housing or affordable housing delivery programme. Where there are costs associated with land, such as acquisition costs, these costs are recoupable from the Department of Housing, Local Government and Heritage at the time of bringing a project to construction.

Any amenity landbanks are provided to deliver parks and amenities for towns and villages around the county. The development of these, such as Cherry Avenue, Sallins Amenity Land etc, are included in the Parks Works Programme. Additionally, there is a high demand for the increased provision of amenity facilities in all the Municipal Districts, particularly in relation to playing facilities for Sporting Clubs. Any consideration of land disposal owned by Kildare County Council should take this demand and need into account.

The council owns a number of parcels of land related to development of motorways [both inside and outside the county] and historic road widening schemes, but such lands are unsuitable for development.

Councillor N Connolly stated he had become aware the council owned sizeable land assets in Carlow and South Dublin and that some lands in the council's ownership were leased to local farmers. He noted there had been three recent disposals listed for council approval due to adverse possession and that land ownership issues were raised at almost all municipal district meeting. For these reasons, and the fact there was an urgent need for more social housing, he asked that there be an urgent review of land ownership by the council so that it could get a better return on its investment.

Following discussion, the following matters were raised by the members:

- Progress was been made on the Property Interest Register as per the recent Audit report, stating it was now practically complete. It should be circulated to councillors once complete
- Concern with what the motion was asking as a report from a previous motion confirmed the council owned 250 acres that was suitable for housing
- Land zonings, both current and sequential into the future, needed to be considered
- Commended the council on the work being done on updating the Property Interest Register and welcomed this work continuing

Ms Aspell noted that each Department had fed into this report and that lands owned in other counties were on foot of motorway and/or roads construction projects and were not developable lands. Lands in the council's ownership that were leased were done so to ensure an "active use" with a view to it being developed at some point in the future. She confirmed that social housing delivery was carried out in accordance with the Governments programme for delivery and urged the members to have regard to the importance of retaining lands that the council owns for this purpose.

Ms Aspell stated she was happy to have the matter further discussed at the Housing SPC. Councillor N Connolly confirmed he was happy for the motion to be referred to the SPC as proposed, for further discussion.

**Resolved** on the proposal of Councillor N Connolly, seconded by Councillor Í Cussen and agreed by the members present, the report was noted, and the motion referred to the Housing SPC for further consideration.

23/1121

### **County-Wide Blue Plaque Scheme Protocol**

The following motion in the name of Councillor Kevin Duffy was considered by the members. That the council develop a county-wide Blue Plaque Scheme protocol to commemorate the link between historical Kildare people and places, and pilot its implementation in towns/villages along the Barrow Blueway to enhance the tourism vision.

The motion was proposed by Councillor K Duffy and seconded by Councillor T O'Dwyer.

A report from Mr E Ryan, Director of Services, Planning and Strategic Development stated that the Blue Plaque is something generally run by Civic Trusts, not necessarily Local Authorities. The Council does however have its own 'Civic Memorial Policy' and KCC is aware that Dublin City Council have a Commemorative Plaques Scheme that is intended to facilitate the formal commemoration of people, organisations, and events that have made a unique and significant contribution to the life or history of Dublin through outstanding achievement, distinctive service or significant community contribution. Although these plaques are distinctive with Council's blue brand, they do not conform with the standard 'blue plaque' that originated in the UK and is run by English Heritage. Dublin City Council's scheme has a clear set of protocols and its own application form for individuals or groups to make proposals (<https://www.dublincity.ie/residential/arts-and-events/decade-commemorations/commemorative-plaques-scheme>). The development of a protocol would be relatively straightforward, and could be referred to the Planning and Economic SPC to review however, identifying a budget and determining who administers such a scheme would need further consideration.

In response to the piloting of a Blue Plaque initiative in towns and villages along the Barrow Blueway, there is currently no funding available for this. However, a Branding and Interpretation Plan of the Barrow Blueway story has been tendered as part of the delivery of the Blueway through Kildare. If adequate resources could be identified, then those towns along the Barrow Blueway could certainly be considered as part of a pilot.

Councillor Duffy welcomed the response noting the Blue Plaque scheme was an international scheme and the Blueway presented a great opportunity to promote the wealth of history that towns such as Monasterevan had to offer. He welcomed the opportunity to refer the motion to the Economic Development, Planning and Strategic Development SPC for inclusion on their 2022 work programme.

**Resolved** on the proposal of Councillor K Duffy seconded by Councillor T O'Dwyer and agreed by the members present, the report was noted and the motion referred to the Economic Development, Enterprise and Planning SPC.

**24/1121**

**Rainbow Walk**

The following motion in the name of Councillor Angela Feeney was considered by the members. That the council put a Rainbow Walk on at least one road crossing in the County as a symbol of inclusion (image attached).

The motion was proposed by Councillor A Feeney and seconded by Councillor C Pender.

A report from Ms E Wright, Director of Service, Roads, Transportation and Public Safety Department stated that crossing the road safely is an essential part of negotiating our built environment and accessing our local community. The provision of safe crossing points affects everyone's ability and desire to use their local streets, and this is especially crucial in enabling disabled people to make journeys as a pedestrian and it has been established that best practice for making walkways safe is to avoid patterns.

With reference to the provision of a Rainbow Walk on a public road crossing, the following issues would need to be taken into consideration:

- For blind and visually impaired people, the consistency and predictability of signage is fundamental to being able to navigate safely and independently.
- The majority of visually impaired people have some sight.
- Designs and colours used on pedestrian crossings which are not consistent with traditional designs could cause confusion and risk safety.
- The use of black and white in traditional pedestrian crossings offer high contrast which is essential for people with low vision to detect them and stay on course when crossing roads.
- People with learning disabilities may find it difficult to interpret artwork as a crossing. Again, the consistency and familiarity of road signage is critical to enabling members of this community to interpret crossings as a safe place to cross.
- People affected by dementia often experience perceptual problems called 'misperceptions' which happens when a person sees one thing as something else. Patterns on the floor can be confusing or misinterpreted. Sudden changes in contrast

can make the floor levels look uneven, like a step, and this can cause hesitation or unsteadiness which can lead to falls.

- For many neurodivergent people with a sensory processing difference, including Autistic people, sensory overload and/or distress can be caused when encountering “visual noise” such as bright colours, patterns and stripes. This may lead to people avoiding the pattern and crossing the road elsewhere without a controlled crossing, or to needing more time to cross or stopping in the road in order to process the visual complexity.

The council continue our work on public realm and streetscape improvements, which includes traffic calming measures, improving our junctions and crossing points, and additional space for cycling. Engagement with Disability and Accessibility groups is important to ensure that the designs do not create safety and accessibility concerns for some disabled people with particular impairments.

If the members are in agreement, we will work with the relevant stakeholders to seek to identify a suitable location for the provision of a Rainbow Walk that takes into consideration the above issues.

Councillor Pender confirmed Councillor Feeney had to leave the meeting momentarily and had indicated to him that she accepted the report.

**Resolved** on the proposal of Councillor A Feeney, seconded by Councillor C Pender and agreed by the members present, the report was noted.

## 25/1121

### Section 212 of the Local Government Act 2001

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

That Kildare County Council write to the Minister and Junior Minister for Local Government asking them to give effect to Section 212 of the Local Government Act 2001 as amended (see attached Appendix 1), re Public Local Inquiries, which was intended to facilitate statutory public inquiries of local authorities, and which despite being included in the Act has not had the necessary commencement order since 2001.

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

A report from Ms C O'Grady, Senior Executive Officer, Corporate Services stated that it had been confirmed that Section 212 of the Local Government Act 2001 has not been commenced and there were no immediate plans to do so. It was a matter for the members to consider if letters should issue as requested.

Councillor McLoughlin Healy outlined her concerns in relation to a valuation related to a disposal of land the previous year for an amount she considered to be less than the value attributable to it, and the tendering process employed by the council in relation to its valuation services stating she had been in contact with the Local Government Auditor and the Chief Executive in relation to these. She stated there needed to be an appropriate process for dealing with matters of concern raised by the members, and appropriate investigations carried out and for this reason she was looking for the Minister to commence this section of the Act to enhance accountability and governance in Local Government.

Councillor Stafford stated he had no objection in principle to the motion however based on the Zowalske Decision related to quasi-judicial functions, there was a row back in public hearings/investigations by Inspectors and matters were being left to the Courts to decide as they were the proper place to argue these matters.

Councillor Liston proposed an amendment to the motion to ask why the Section of the Act had not commenced. Councillor McLoughlin Healy stated the reason for not commencing it had already been communicated to her by the Department confirming their work programme was as outlined in the Programme for Government – Our Shared Future, thus did not think it was necessary to amend the motion as outlined.

Councillor Liston withdrew her proposed amendment.

The Cathaoirleach sought the members approval to write to the Minister and the Junior Minister as outlined. The Members agreed.

Councillor McLoughlin Healy sought the members support to referring the motion to all other local authorities under correspondence. Councillor McEvoy stated the council had taken a position previously not to issue correspondence to other local authorities on foot of motions passed by

Kildare County Council. Councillor McLoughlin Healy stated she would issue the correspondence to all other local authorities herself directly.

**Resolved** on the proposal of Councillor F McLoughlin Healy, seconded by Councillor N Connolly and agreed by the members present that correspondence issue to the Minister and the Junior Minister for Local Government as outlined.

The Cathaoirleach confirmed that concluded the business of the meeting and sought the members agreement to holding the December meeting of council online. The members agreed. He also asked that in keeping with tradition, the members keep the number of motions submitted to the December meeting at a minimum.

The meeting concluded

