

KILDARE COUNTY COUNCIL
Minutes of meeting of Full Council held at 3:00 p.m.
Monday 24 October 2022 in
Áras Chill Dara, Devoy Park, Naas, Co Kildare.

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

On Line Councillors F McLoughlin Healy and P O'Dwyer,

Apologies: Councillors A Feeney and C Galvin,

Also Present: Ms S. Kavanagh Chief Executive, Ms A Aspell, Ms E Wright, Mr J Boland, Mr E Ryan (Directors of Service), Ms M Higgins (A/Director of Service), Ms F Millane (A/Head of Finance), Ms J McNabb (Head of Enterprise), Ms A Granville (Senior Planner) Ms C O'Grady (Meetings Administrator) and Mr J Hannigan(Meetings Secretary) and other officials.

The Cathaoirleach welcomed everyone to the October meeting of Full Council and sought the members continued co-operation in adhering to protocols on speaking times to continue the efficient use of the time available.

01/1022

Bereavements

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

Laurence (Larry) Hopkins, father of Noel Hopkins, National Roads Office.

Josephine Thomas, mother of Martina Thomas (Mason), Library Services

A minute's silence was observed.

02/1022

Declaration of Interests

The Cathaoirleach sought any declarations of interests from the members, as required under Section 177 of the Local Government Act 2001 as amended.

There were no interests declared.

03/1022

Minutes and Progress Report

The council considered the draft minutes of the monthly meeting held on 26 September 2022 together with the progress report.

Resolved on the proposal of Councillor Ó Cearúil, seconded by Councillor Sammon and agreed by the members present, the minutes of the monthly meeting on 26 September 2022 were adopted. The progress report was noted.

04/1022

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

05/1022

Section 183 Notice for Disposal of Lands

The members considered the disposal of lands pursuant to Section 183 of the Local Government Act 2001, as amended (Statutory notice of 13 October 2022, circulated previously and attached).

- i. Disposal of 0.0329 hectares of land at Castlepark, Dunboyne Road, Maynooth, Co. Kildare.

The Cathaoirleach confirmed the members had received the statutory notices setting out the details of the proposed disposal. Councillor Durkan seconded by Councillor Ó Cearúil requested that this item be deferred for further clarification.

Resolved on the proposal of Councillor Durkan seconded by Councillor Ó Cearúil and with the agreement of the members present this was deferred.

06/1022

Quarterly Update on Climate Action

The members considered the quarterly report to council on climate action and initiatives across the organisation. Mr Boland informed the members that a comprehensive report had been circulated to them. He highlighted a number of key areas and acknowledged the work of the Climate Action Regional Office including

- Getting Climate Action Plans completed and implemented is a priority
- Developing mitigation strategies to reduce carbon emissions
- The development and implementation of Decarbonizing Zones
- Planning for phase two of training programme is underway following a review
- Imagining Local Authority Fleet, 2030: Early Interventions report has been launched. It highlights six early interventions under headings of Fleet Management, Behavioural Adjustments and Technological Solutions to support local authorities in delivering on emission reduction targets to 2030
- Community Climate Action Fund - Building Low Carbon Communities funding is available for this scheme
- Energy Bureau Continuing to work with other local authorities
- Sustainable Energy Climate Action Plan/Climate Action Plan,
- Consultants have delivered an estimation of emissions for the county as a baseline and risk analysis has commenced.
- There is a focus on participation by local communities and funding is available from Climate Innovation Fund

Mr Boland thanked the members for their support.

The report was noted

07/1022

Extension of Leixlip Local Area Plan 2020-2023

The members considered the Chief Executive's Report regarding the extension of the life of the Leixlip Local Area Plan 2020-2023 for a two year period.

Councillor Liston proposed the following amendment to the proposal which was seconded by Councillor Neville.

To extend the life of the Leixlip Local Area Plan 2020-2023 by a further **3 years** (i.e. up to **30 March 2026**^[1]), in accordance with the provision of Section 19 of the Planning and Development Act, 2000 (as amended), and defer the sending of a notice under Section 20(3)(a)(i) and publishing a notice under section 20(3)(a)(ii) of the Act for that 3 years. The extension of the LAP is sought in order to provide certainty and opportunity to realise the strategic objectives of the Leixlip Local Area Plan 2020-2023, which are in accordance with the proper planning and sustainable development of the area'.

^{1]} It was noted that in accordance with Section 251 of the Planning and Development Act 2000 (as amended) an additional 9 days has been included per year to the extended plan period.

This was agreed by all the members

Members asked if this was a legal necessity, if it was superfluous and could the plan not roll over as happened with other LAPs.

Ms Granville explained while there was no legal necessity to do this, Leixlip LAP had been the subject of a Ministerial Directive which was limited to 3 years. The Plan was consistent with Core Strategies of the CDP

Resolved on the proposal of Councillor Liston seconded by Councillor Neville and agreed by the members present to approve the Chief Executive's Report and the amended proposal regarding the extension of the life of the Leixlip Local Area Plan 2020-2026 for a further 3 years to 30th March 2026.

08/1022

Nomination to the Climate Action Strategic Policy Committee

The members considered a nomination to the Climate Action Strategic Policy Committee.

A report had been forwarded to the members giving details of the nominee from the PPN Ms. Ursula King who was proposed by Councillor Moore and seconded by Councillor Clear.

Resolved on the proposal of Councillor Moore seconded by Councillor Clear with the agreement of the members present that that the appointment of Ms King to the Climate Action SPC be approved

09/1022

Affordable Housing, Scheme of Priority

The members considered the adoption of the Affordable Housing, Scheme of Priority which had been circulated to the members and which the Minister for Housing, Local Government and Heritage had confirmed is consistent with the provisions of SI No 184/2022

Resolved on the proposal of Councillor McEvoy seconded by Councillor Pender and agreed by the members present that the Affordable Housing, Scheme of Priority be adopted.

10/1022

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 October meeting.

- Athy Heritage Company Ltd
- County Kildare Joint Policing Committee
- LAMA
- Leixlip Amenities Centre
- Monread Community Centre

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

Councillor McLoughlin Healy asked who should submit the report, should it be the individual councillor or the chair of the committee. Councillor Brett advised that he as Chair of the JPC had prepared the report and this was custom and practice since he started. The Meetings Administrator informed the meeting that Section 141 of the Local Government Act stated that

“Where one or more than one member of a local authority is elected, appointed or nominated by that authority to another body, whether established by or under statute or otherwise, it is the duty of that member or members to represent the local authority and to present a report to it on the activities and operation of that body—

(a) annually, or

(b) at any other time, if so requested by resolution or by the Cathaoirleach.

(2) Every report to which subsection (1) relates shall be presented by the member or members concerned to a meeting of the local authority.

The reports were noted.

11/1022

Gnó an Cathaoirleach/Cathaoirleachs Business

The Cathaoirleach confirmed he had attended a number of events over the last month as follows

- The opening of Naas Community College on the 6 October .
- The opening of Fanuc Robotics and Automation Centre in Maynooth Business Park. on the 11 October
- The JPC event “Improving Police and Community Relations” in the Osprey Hotel on the 18 October.
- The opening of Sallins Scouts Den at Oldbridge Station on the 15 October
- On the 19 October he attended the CYPSC/InSync Comhairle na nÓg in the Westbrook Hotel Clane

12/1022

Comhfhreagras/Correspondence

The Meetings Administrator confirmed five items of correspondence had been circulated to the members along with the Progress Report. These included Correspondence on behalf of Mr Peter Burke TD re Local Government (Maternity Protection and Other Measures for Local Authority Members) Bill 2022, two motion referrals from other local authorities and two Circulars - LG 05-2022 Allowances and Expenses of Elected Members and LG 06/2022 Vouched Expenses of Elected Members.

The correspondence was noted.

13/1022

Conferences and Training

The members considered the conference and training report that was circulated in advance of the meeting.

The Meetings Administrator informed the meeting that they had received notice of two training events being organised by ALLG, Disability and Inclusion training taking place in the Radisson Sligo on Thursday 27 October and also Data Protection training taking place on Saturday 19 November in a Wicklow Hotel, details of which were to be confirmed. The cost of each event was €70 plus travel and subsistence. If any member wished to attend they were asked to advise her before the end of the meeting.

She also advised that a request had been received from Councillor Sammon for funding in accordance with circular LG05/2022 to undertake the Advanced Diploma in Planning and Environmental Law in Kings Inns. The cost was €1,425 (50% of total course fee €2,850 in accordance with Circular LG05/2022). This was recommended by the Corporate Policy Group.

Resolved on the proposal of Councillor Moore seconded by Councillor McEvoy and with the agreement of the members the training outlined was approved.

14/1022

Recommendations from the Protocol and Procedures Committee

A copy of the draft Protocol for Ceremonial Functions and Civic Honours had been forwarded to the members along with the Revision to the Protocol and Procedures Workflow Process

Councillor Neville proposed the adoption of the Protocol for Ceremonial Functions and Civic Honours as this had been developed as a result of a joint motion between himself and Councillor Tracey O'Dwyer. He thanked the committee for their work. Councillor Mc Loughlin Healy indicated that she would like to see clarity around the remit of the Protocol and Procedures Committee.

Councillor Moore asked if there is a timeline to the process.

Councillor McEvoy Chair of the Protocol Committee advised that the process document is about how items get on the agenda not how quickly they will be dealt with. There is limited time and resources but the committee do hold extra meetings to progress items like the ones before the council for approval.

Resolved on the proposal of Councillor Neville seconded by Councillor Moore and agreed by the members that the Protocol for Ceremonial Functions and Civic Honours be adopted along with the revision to the work flow process.

15/1022

Transportation, Safety and Emergency Services Strategic Policy Committee

The members received a report from the Chair of the Transportation, Safety and Emergency Services Strategic Policy Committee.

Councillor Ward, Chair of the Transportation, Safety and Emergency Services Strategic Policy Committee outlined the membership of the committee and the key policy areas they were currently concentrating on.

He informed the members that they held 4 meetings in the year to date with another scheduled for 5 November.

He outlined the areas of responsibility of the SPC which included Roads, Transportation & Public Safety, Fire Services, Major Emergency Management, Civil Defence, Health & Safety of council employees, Access and Disability and Building & Development Control

He outlined the work programme of the SPC which included:

Public Parking- That the council review the policies around public parking in the context of urban renewal, cycling and pedestrian amenity with associated benefits to health and wellbeing, changing economic models and the transition towards carbon-neutral societies

Permeability – Permeability between Housing Estates and Public Roadways- this issue to be jointly examined by Planning and Roads Department.

Access & Disability – Access and Disability Progress – Development of Accessible Public Realm Streetscapes

Road Network and Congestion- Focus on road developments that allow us to reclaim our town centres, develop town centres communities, vibrant main streets and reduce congestion and pollution in our towns.

Fire Officer – Report on activities and developments from the Chief Fire Officer

Electric Vehicles – Policy on Electric Vehicles in relation to free parking

Park and Stride

He confirmed they had received presentations from Niall O’Riordan A/Chief Fire Officer

Dr. Darren McAdam O’Connell of Transport Mobility Forum Cork (TMF Padraig McGuinness of PMG Consult on Kildare Digital Strategy

Grainne Fleming, Co-Ordinator Kildare Public Participation Network

John O’Neill, Senior Executive Engineer on the Noise Planning Advice Document

Donal Hodgins, Senior Engineer on Sustainable Transport Team: Permeability

James Doyle, Senior Staff Officer on County Parking Policy Framework

The report was noted.

16/1022

Economic Development, Enterprise and Planning Strategic Policy Committee

The members received a report from Councillor Rob Power Chair of the Economic Development, Enterprise, Planning and Strategic Policy Committee. Councillor Power outlined the SPC work programme for 2022.

He gave details of the membership and vacancies.

The SPC was split between two directorates

Planning and Strategic Projects were supported by Mr E Ryan Director of Service and Economic, Community and Cultural Development was supported by Marian Higgins, A/Director of Services

The following work and quarterly updates were undertaken with the assistance of Mr Ryan

- Monitoring updates from National Planning Framework, Regional Spatial Economic Strategy and objectives for the Metropolitan Area Spatial Plan (MASP)
- Preparation of the Draft County Development Plan
- Preparation of Local Area Plans and Masterplans
- Monitoring reviews by Office of the Planning Regulator
- Working on the new Development Contribution Scheme 2023 to 2029. This was brought through SPC in 2022 and went on public display 21 September- 1 November 2022.

The following work and quarterly updates were undertaken with the assistance of Ms. Higgins

- Contributing to Mid-East Regional Enterprise Plan keeping Kildare aligned with Meath and Wicklow
- Developing the Retail Enhancement Support Scheme
- Preparing the Kildare Diaspora Strategy which was approved at the September meeting of the council
- Kildare Hubs Strategy brought to SPC in December 2021
- National Equine Innovation Centre
- Athy Food, Drink & Skills Innovation Hub was being developed with Ms McNabb Head of Enterprise.

- He stressed the importance of the upcoming Brigid 1500 for Economic Development
- Industrial Area Enhancement Scheme

Work Programme 2022 included:

Served Sites Initiative, - Draft brought to SPC in September 2022. Expected adoption by January 2023 at the latest.

Remote Working Hub Strategy was brought to SPC in December 2021.

Kildare Diaspora Strategy was brought to SPC in July 2022 and approved by council in September 2022.

Section 254 – Outdoor dining - Signage policy/street furniture consent including protocol for dealing with unauthorised development/signage/street furniture this is being dealt with in conjunction with Transportation and Environment SPCs.

This was brought to SPC in September 2022.

Referrals from Council discussed

- Blue Plaque Scheme (Kildare-Newbridge MD) – Being followed up on.
- Public parking, urban renewal in transition towards carbon neutral societies. (Clane-Maynooth MD) – paper previously discussed; address predominantly through LAP process and/or Town Renewal Plans; on-going review.

Councillor Mc Loughlin Healy asked if an exit interview was carried out with the external member who resigned. Councillor Power informed the meeting that he had spoken to the PPN representative concerned. It was agreed at the September council meeting that exit interviews would be conducted with committee members who had resigned. Councillor Heavey asked how could councillors who were not members of the SPC participate or contribute to the topics being discussed Councillor Power advised that he would be happy to take contributions from members.

The report was noted.

17/1022

Number of Planning Permissions Refused on Serviced Sites

The following motion in the names of Councillors Brendan Weld and Tim Durkan was considered by the members.

In view of the current housing crisis that the council provide a report on the number of planning permissions that were refused in the last 2 years through the normal planning process for serviced sites properly zoned and confirm if is this in keeping with current government policy.

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

A report from Mr E Ryan Director of Services, Planning and Strategic Development stated that an investigation of all planning applications relating to housing for the past two years to determine whether appropriate services were in place would require a significant investment of time and resources. The particular zoning on a site is not an indication of whether a planning application on that site will be successful or not. All planning applications are considered in the context of proper planning and sustainable development in accordance with national policies, guidelines, the County Development Plan 2017-2023 and local area plans where relevant.

Councillor Weld informed the meeting that people had been refused planning permission for serviced sites. This forced them to resubmit applications adding extra costs. This cost goes on to the cost of the house. He informed the meeting that these issues should be sorted out at preplanning meetings as should connections to water supplies. It was difficult to get connections from Irish Water. This needed to be resolved, as the country is in the middle of a housing crisis.

Mr Ryan advised the members that planning applications were considered in line with current policies. The council were still dealing with legacy issues from the Celtic Tiger era.

Any decision can be appealed to An Bord Pleanála.

Councillor Weld responded that permission had been granted to build houses in Clane but they had been refused permission to connect to the services because of guidelines issued by planning. This needed to be resolved and the only way was by holding face to face meetings.

Resolved on the proposal of Councillor Weld, seconded by Councillor Durkan that the report be noted

18/1022

'Health in all' Policies Approach

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

That Kildare County Council implements a 'Health in all' policies approach, as recommended by the World Health Organisation, to integrate and articulate health considerations into policymaking to improve the health of people and communities inclusively.

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

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that Kildare Local Community Development Committee (LCDC) has since 2017 overseen the implementation of initiatives funded through Dept of Health, Healthy Ireland (HI) funding to LCDC and Children and Young Peoples Services Committee (CYPSC) in Kildare. Over 14,500 people have engaged in a range of health and wellbeing initiatives during this time. In addition it was announced in September 2021, that Athy is one of 19 Slaintecare Healthy Communities nationally, with resources and programmes targeting Athy overseen by the HSE and LCDC locally. This programme was launched by Minister Feighan in Athy on October 14th.

A Healthy Kildare plan, as part of HI3, was adopted by Kildare LCDC at its' meeting on September 28 2022. It will be adopted by Kildare CYPSC at their next meeting. This plan sets out a framework and broad health and wellbeing priorities for the county. It will prioritise actions under future Healthy Ireland funding in addition to

informing future programmes/plans of the health and wellbeing priorities for the county. The upcoming Local Economic and Community Development Plan (LECP) will consider health priorities (based on this plan) and there has been close co-operation with the draft County Development Planning process.

Copies of the plan have been circulated to the elected members.

Councillor Liston informed the members that the purpose of the motion is to embed health considerations into decision-making processes across a broad array of sectors. "Health in All Policies" approach is recommended by the World Health Organisation, to prevent inadvertent adverse health impacts, and to take consideration of public health advice in developing a full range of policies.

The council are doing a lot on climate change as we see through the Climate Action Report. We talk about the importance of the health of the environment and there is an opportunity to reflect and articulate on the human and social health benefits also. For example, our active travel actions feed into the public health challenge of inactivity leading to huge negative health outcomes. Parking review policies should take a health in all policies approach to specifically examine health impacts and an equality and just transition approach.

Housing standards - radon is an issue that the HSE is concerned about and there is opportunity for radon barriers and other measures to be considered
Health impacts of over-heating leading to focus on urban greening.

And on these the importance of gathering data to bring evidence to support and demonstrate health in all our policies. Health impact assessments are used to determine the impact of proposed policies, laws, programmes or plans on the health of communities to ensure they are more inclusive, more equitable, and more sustainable for everyone. These are particularly important in terms of a just transition so addressing disadvantage will help improve health outcomes. This is important as we develop our LECP.

Councillor Liston welcomed the Healthy Ireland in Kildare report and noted that there is a great opportunity to move and build on that now. She noted it doesn't include reference to coherence in policy toward health in all policies, transport, planning,

environment etc. There is an opportunity to provide evidence of the links between health, equity, and policy areas outside public health, and to identify intersectoral policy approaches that have been shown to work. Councillor Liston asked that the council adopt a Health in All Policies approach, that a policy on this is adopted, and that health is also articulated as a key consideration in the work of the Climate Action SPC.

Ms Mc Nabb advised that the the Healthy Ireland in Kildare report provided gave a high level overview and agreed that the Climate Action and Economic Development, Enterprise and Planning SPCs could look at this.

Resolved on the proposal of Councillor Liston, seconded by Councillor Hamilton and agreed by the members present, that this motion be referred to the Climate Action and Economic Development, Enterprise and Planning SPC's to look at cross cutting issues.

19/1022

Delivery of Housing for People with a Disability

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

That the council write to the Minister requesting that Government policy for the delivery of housing for people with a disability be amended to include a requirement for private housing providers to liaise with local authorities to ensure that a determined number of Part Vs will be constructed which are designed to Universal Design standards. As per Kildare Housing and Disability Strategy it is noted that the council can only control units which it constructs or which are constructed by AHBs and the market is not constructing specifically designed accessible units to Universal Design standards.

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

A report from Mr A Dunney A/Director of Services Housing and Corporate Services stated that There is an objective in the Draft County Development Plan that all new

residential developments in excess of 5 units will provide for a minimum of 20% universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design Approach' published by the National Disability Centre for Excellence in Universal Design. The plan does not differentiate between private housing & Part V in this regard.

Part V allows for up to 20% of units in a qualifying development to transfer to the Local Authority or an AHB subject to agreement with the developer. Depending on the identified need in a specific area it could be the case that the Part V units include a % of the accessible units up to the minimum 20% of the overall development.

Councillor Cussen informed the members that in the Housing Delivery Action Plan, Page 6 the council commit to providing a % of housing stock as suitable for people with disabilities. What she was asking was that a % of houses provided under Part V agreements be accessible for people with disabilities. There could be an uptake on this. The time to discuss this was at the preplanning meetings with the developer

The members made the following points.

They supported the motion

There needed to be a link between the Housing and Planning Department

Did the council have a list of identified needs for people on the Housing list

A % of Part V Houses could be adapted at the construction stage

Ms Aspell informed the members that acquisitions under Part V are funded by the Department. Seeking to acquire adapted properties under Part V could have cost implications for the council as the additional funding required would not be met by the Department.

She also advised that people seeking housing do not always declare their needs

Councillor Cussen asked that the letter to issue to the Minister to start the discussion on Government policy for the delivery of housing for people with a disability includes a requirement for private housing providers to liaise with local authorities to ensure

that a determined number of houses acquired under Part Vs will be constructed which are designed to Universal Design standards.

Resolved on the proposal of Councillor Cussen, seconded by Councillor N Connolly and agreed by the members present, that the letter should issue to the Minister.

20/1022

Extension of Section 254 Licence

The following motion in the name of Councillor Naoise Ó Cearúil was considered by the members.

That the council engage with all businesses with a section 254 licence for temporary structures and assists them in extending these licences in the interest of protecting and encouraging the local economy of Kildare, particularly in hospitality.

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

A report from Mr E Ryan Director of Services, Planning and Strategic Development stated that Temporary structures for outdoor dining are licensed in accordance with Section 254 of the Planning and Development Act 2000 (as amended). The Planning Department made contact with all holders of licences for outdoor dining in early 2022 and will do so again at the beginning of 2023. The Planning Department in cooperation with the Municipal District Engineers are taking a proactive approach to the management of outdoor dining to ensure that the public space is managed for both the businesses and street users.

Councillor Ó Cearúil accepted the report but made the following observations

The hospitality industry had to adapt due to the changing circumstances. They had been innovative in the way they provided service to the community. Some had found the process for applying for Section 254 Licences cumbersome.

The members made the following points

Things should not be dismantled at this stage. Things should be left as they are if possible as it had brought life back to the streets.

CKAN appreciate that everybody has to do business but the council must consider people with disabilities and mobility issues.

Mr Ryan informed the meeting that they had contacted all Section 254 permit holders. Section 254 Licences were considered as part of the Planning and Economic Development SPC work programme. There were specific policies agreed, a signage policy and best practice document was in place and Failte Ireland and the council policies are in line.

He advised on width of footpaths and the use of canopies and that there are difficulties where the street is tighter and footpaths narrower and advised that a clearance area of 2 meters had to be maintained for wheelchair users. Details were available on the website.

Resolved on the proposal of Councillor Ó Cearúil, seconded by Councillor Fitzpatrick and agreed by the members present, the report was noted.

21/1022

Annual Local Property Tax programme

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

That the council publish an annual Local Property Tax programme of works to communicate the variety of projects completed in each municipal district. This programme should include photographs and case studies of specific projects in each municipal district, along with detailed lists of all projects funded through the LPT scheme. This could be presented in booklet form for distribution through the PPN, Libraries, Community Centres and through elected members, but that an online form of this document is available also.

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

A report from Mr A Dunne A/Director of Services Housing and Corporate Services stated that a review has been undertaken of the current communications of LPT and changes that can be introduced to the current process in order to communicate how LPT funds are allocated and the projects that they support across the County.

This includes the development of an acknowledgement policy that would be issued to LPT funding recipients outlining how Kildare County Council should be acknowledged in their communications about the project/event which they've received funding for.

The 2021 Annual Report included a dedicated update on LPT highlighting some of the projects and initiatives across the County that received LPT funding. It is intended to further develop this section for the 2022 Annual Report and beyond to incorporate an overall update on LPT for the year including overall spend, highlights of projects/initiatives.

A Bi-Annual Communications campaign highlighting the progress and delivery of LPT funding throughout the year will be undertaken and could include:

- No. of projects/initiatives in receipt of LPT funding YTD
- Amount of LPT funding assigned to projects YTD
- Project Highlights

The campaign would include co-ordinated press engagement as well as social media promotion.

Councillor Farrelly informed the members that this motion came about as members of the public are constantly enquiring what their LPT contributions are being spent on. He has seen the benefits of how LPT was used but the public needed to be informed. He believed there should be a dedicated section on the website to show how LPT funding was used to benefit the community.

The members supported the motion and made the following suggestion. Any group or project supported by LPT funding should acknowledge the LPT contribution either by way of an acknowledgement in documentation or by the use of signage.

Councillor Coleman advised that a debt of gratitude was owed to a lot of these groups as without their work a lot of these projects would not be undertaken

Ms Aspell informed the members that a three pronged approach was being taken

- Acknowledgment by the Groups receiving funding
- Increase in Communication Strategies
- Use of the website and infographics

She would inform the communications officer of the members suggestions

Resolved on the proposal of Councillor Farrelly, seconded by Councillor Killeen that the report be noted

22/1022

Review of process and procedure for disposal of council land

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

That the council seek an external and independent review of the processes and procedures for the disposal of council owned land to ensure that best practice is followed (above the statutory minimum requirements) including but not limited to areas set out in Appendix A:

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

A report from Mr A Dunney A/Director of Services Housing and Corporate Services stated that The Council procedures for the disposal of land which is held by the local authority is in accordance with Section 183 of the Local Government Act 2001 (as amended) and the process includes procured valuation and legal services.

Councillor McLoughlin Healy was disappointed with the response and disagreed with the report. In her opinion proper procedures were not adhered to under Section 183 of the Local Government Act 2001 as amended and Section 212 of the Planning and Development Act 2000 as amended.

She made reference to a number of issues including audit recommendations, delay in undertaking a new framework for valuation, quotations for valuations, information

on agreements under Section 183 and valuations that she had sought independently in relation to a section 183 disposal in Athgarvan.

Councillor Moore advised that he felt that the motion was not justified, that valuations and legal advice are properly procured and members needs are adequately met.

Councillor Stafford noted that it had been agreed previously that motions should be succinct and questioned the acceptance of the motion for the agenda. He noted that market value, a willing purchaser, a willing vendor were the main factors. Valuations and covenants should include rights of way.

The Cathaoirleach following confirmation from Councillor McLoughlin Healy put the motion to a vote.

Resolved with 1 voting in favour, 31 voting against and 1 abstention the motion was defeated.

23/1022

Energy Saving across Council Properties

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

That the Council role models energy saving across Council properties by adopting smart metering, variable tariff schemes and night rate EV charging in all properties where feasible, works to find and role-model savings in the peak 5.00 to -7.00 pm period, and communicates this to the community as a positive energy user during Winter 2022 and beyond.

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

A report from Mr A Dunney A/Director of Services Housing and Corporate Services stated that Energy efficiency of council buildings and other areas of energy usage are reviewed on a continuous basis. The council takes a proactive approach,

particularly in our buildings, in order to minimise wastage wherever possible and use of technology plays a key part in this.

Smart meters are used to track past and current usage in order to identify potential savings. Aras Chill Dara has been running ten smart meters for the last decade giving further breakdown of energy usage. This information is currently being used as part of an overall energy audit which is being carried out in Aras Chill Dara.

The council energy rates are locked in as part of an Office of Government Procurement contract in order to secure the best prices possible.

Additional solar panels have been installed in Aras Chill Dara in recent years and a lighting management system to optimise usage has been installed. In addition a building management system ensures that all heating and ventilation systems run as efficiently as possible. Aras Chill Dara runs at approximately 20% more efficiency than buildings of a similar size for both gas and energy consumption.

The Library Service is reducing energy usage in all buildings through conscientious use of spaces, lighting and heating and are promoting messaging through social media channels with energy saving tips for the general public. Libraries are hosting information sessions on home energy retrofits in November and hope to host information sessions on energy efficiency at home in the coming weeks

Kildare County Council issued an energy management statement in recent weeks highlighting the efforts being made to improve energy efficiencies and usage in the Council building - Áras Chill Dara. Further communication about the work being undertaken by Kildare Council regarding energy management can be carried out as various initiatives progress.

For info – below is a link to the statement:

<https://kildarecoco.ie/PressReleasesAdverts/KildareCountyCouncilEnergyManagementStatement-ArasChillDara.html>

Councillor Hamilton advised that this was positive news and the public need to be made aware of the efforts being made by the council. Having an Energy Officer will give the council focus

Councillor Doyle suggested that income from housing units should be used to retrofit housing stock.

Ms Aspell advised that resourcing was an issue and that there was a gap of €10k between what it costs the council and what it recoups from the Department This comes out of the Housing Budget.

Ms Kavanagh informed the members that the Energy Officer was a specialised position and recruitment required a specialised competition. The council is working on preparing the Local Authority Climate Action Plan. Once the energy officer is in place they will talk to LEADER to develop Smart Villages. The council is currently doing everything it can to be energy efficient.

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

24/1022

Reduction in the Operating Time of Sponsored Christmas Lighting

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

That the council given the pressures on energy supplies for the coming winter as well as associated increase in costs, that they contact committees asking them to consider reducing the operating time of the sponsored Christmas lighting during the up coming festive period across all Municipal Districts.

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

A report from Ms Marian Higgins A/Director of Service, Economic Development and Community and Culture stated that As Christmas approaches, Kildare County Council continues to assist communities in many areas through grants for Christmas lighting displays in towns and villages. This year, the national "Reduce Your Use" campaign is highlighting the pressures on energy supplies both locally and globally and the council supports this campaign as part of its broader Climate Change Adaptation Strategy. Therefore, we are asking Christmas lighting committees to

think about ways of reducing their energy usage this festive season. Potential options include using more energy efficient lighting, reducing the hours of illumination, using fewer lights where appropriate and condensing the festival lighting period. Consideration should be given to more decorative festive displays with or without lighting.

Further information on responsible energy usage can be found at the Sustainable Energy Authority website: [Reduce Your Use | SEAI](#)

Kildare County Council Community Department has contacted all Christmas Lighting groups that it supports with the above message.

Councillor O'Dwyer informed the members that she was asking organisations to consider how they use Christmas lights. She was not advocating that lights be switched off but that they be asked to reduce the operating time.

The Members supported councillor O'Dwyer and made the following points

- Lights are left on during daylight.
- Lights are left on because they required someone to physically switch them off.
- All lights should be controlled by timer switches.
- Committees should be encouraged to look at different types of displays which might or might not require lights.
- Lights should only be switched on for the traditional Christmas Period.
- This was the first Christmas post Covid and it was important that children got to enjoy the season.

Ms Mc Nabb informed the members that the reduce your use campaign is highlighting the pressure on energy supplies and would be encouraging committees to use energy efficient lighting and reduce the hours that lights were switched on.

Resolved on the proposal of Councillor P O'Dwyer seconded by Councillor T O'Dwyer and agreed by the members that the report be noted.,

25/1022

Breakdown of Parking Fees

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

That the council provide a breakdown of fees including the convenience fee applied by APCOA for customers who pay for parking using online payment or the Parking App across the county.

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

A report from Ms E Wright, Director of Service, Roads Transportation and Public Safety stated that the fees for parking are as per the Parking Bye-Laws as adopted by the Elected Members. The charges and breakdown of fees in the contract between Kildare County Council and APCOA Parking Ireland Limited are commercially sensitive. However, the Roads Department can confirm that as advertised in the public procurement tender for this contract, the convenience charge for on-line parking payment service must not be any more than 10% of the transaction fee by the customer. The purpose of the convenience charge is for the provision, operation, administration, support and maintenance of the on-line parking service.

Clarification in relation to the example provided is as follows:

APCOA operates 'Apcoa Connects' countrywide in both private and public car parks, however the requirements of each contract vary. There is an option for a customer to operate an e-Wallet account with a monthly cost plus VAT deducted from the wallet account. Kildare County Council does not provide a 'wallet' account facility on the Kildare County Council app. The service is *pay as you go* only, eliminating additional costs to the customer. The account transactions are also slightly different, Kildare County Council's account transactions will show the location of the parking area subscribed to.

Councillor Kenny informed the meeting that he had read the report and believed it was wrong to charge a fee for using the App. There was resistance to this type of charge in the UK and he believed it was found to be illegal in India.

The members made the following points.

- There should be a reduction in parking fees for using the App.
- This was an irritating fee.
- Who was the fee benefiting.
- Parking Meters had been retrofitted to accept card payments and no additional charge should be applied to those using this option.
- Whose account did the parking fees paid by card go to.

Ms Wright advised the members that as advertised in the public procurement tender for this contract, the convenience charge for on-line parking payment service must not be any more than 10% of the transaction fee paid by the customer. The purpose of the convenience charge is for the provision, operation, administration, support and maintenance of the on-line parking service. On the question of the account to which card payments are lodged she will come back with this information.

Resolved on the proposal of Councillor Kenny seconded by Councillor Hamilton and agreed by the members that the report be noted

26/1022

Dereliction Task Force

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

That Comhairle Contae Chill Dara establish a dereliction task force and launch a major campaign to address the blight of dereliction on our towns and countryside.

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

A report from Mr A Dunne A/Director of Services Housing and Corporate Services stated that the Council is in the process of establishing a Town Regeneration Team, with dedicated technical support, to be located in the Housing Department. This new team will have responsibility for Town Centre First policy that aims to create town centres that function as viable, vibrant and attractive locations for people to live, work and visit. The vacant homes, Croi Conaithe, Buy and Renew and Repair and Lease policy areas and schemes will also be the responsibility of this team.

A report from Mr J Boland, Director of Service, Environment, Water Services and Climate Action stated that the council investigates reports of dereliction and takes enforcement action in accordance with the Derelict Sites Act 1990 in an effort to have the dereliction abated.

A derelict site is defined in the Act as any land which detracts, or is likely to detract, to a material degree from the amenity, character, or appearance of land in the neighbourhood of the land in question because of –

- (a) The existence of structures which are in a ruinous, derelict, or dangerous condition
- (b) The neglected, unsightly or objectionable condition of the land or any structures on the land
- (c) The presence of litter, rubbish, debris or waste on the land.

If it is considered that issues can be easily remedied within a relatively short timeframe, the Council may work informally with a property owner instead of serving a legal notice and provide the owner(s) with a list of works and the opportunity to carry out such works. Many cases are resolved in this way and this approach is always the initial focus.

In other instances, the Council may serve a legal notice requiring works to be carried out and may also progress matters through the Courts.

It is also open to the local authority to compulsorily acquire under the 1990 Act, though this can expose the Council to financial risk.

Challenges relating to resolution are often linked to issues which ultimately resulted in the site becoming derelict in the first place — financial hardship, difficulties in financing development, legal or title disputes over ownership, estate issues following inheritance, receivership, property being abandoned, etc.

Therefore, there can often be delays in progressing files due to difficulties in ascertaining the names of owners and accordingly, there is often recourse to land registry which can be time consuming. Indeed, disputes arising from title / probate tend to be the cause of many issues.

Another contributor is the fall-out from the “Celtic Tiger” period where many commercial ventures went wrong. The issue of “dereliction” may sometimes be subservient to more fundamental issues such as building control, breaches of planning / licensing and should be progressed using remedies other than derelict sites legislation. This is an important point.

Operational matters relating to derelict sites rests with the Council's environment section and a number of staff (both administrative and technical) are assigned to this task. Again, the policy/ legislative context is the Derelict Sites Act 1990. Indeed, this is a very active unit, some 76 investigations having taken place to date in 2022; the outcome being as follows;

- 19 investigations closed as a result of the site no longer being deemed derelict
- 5 were placed on the Derelict Sites Register
- 52 cases remain open (formal notices having been issued in many)

As this is a function being discharged by the Environment section, it is not proposed to establish a wider ‘task force’ as suggested in the motion. In particular, it is unclear as to what additional value this would bring to the matters at hand. The Council is however, open to any considered proposals which would improve its performance under this heading and perhaps such could be channelled through the relevant SPC. In more recent times, there has been close liaison with the Council's housing dept as there is now more interest in ‘brownfield’ sites for social/affordable housing. However, this can also bring a range of challenges as the conversion of derelict buildings to residential is often not so straight forward from a design/project management perspective.

Ultimately if cases are not resolved following formal notice, the site can be listed in the derelict sites register. As a general principle, a low number so registered is a

positive sign (though often perceived otherwise) that cases are being resolved and that the council is being proactive

Please note that this response refers to “derelict” property only. Vacant/abandoned houses are not necessarily derelict. Indeed, relatively few ‘vacant’ houses fall within the definition of derelict.

Councillor N Connolly informed the members that he does not want to see pictures painted on boarded up windows of vacant or derelict sites. He has raised the issue a number of times about the state of Rathangan Main St. A significant number of the buildings on main street are vacant, or derelict, or both. There is just one building in Rathangan on either the vacant or derelict register and if it is the one that he reported, it is owned by the OPW. There are 8 properties in the Newbridge area that are owned by the same couple. According to land registry they all have registered judgements. Most of them have been lying vacant for over 5 years. He was happy to report that in the last month 3 of the properties have come on to the market.

The members made the following points.

- Town centres were struggling commercially and were in need of regeneration
This was a cross departmental problem and needed plans to tackle this problem.
- By providing rate waivers for vacant commercial properties, the council is encouraging owners to leave properties vacant.

Mr Boland informed the meeting that there is a significant number of staff investigating derelict sites. There is a statutory process that must be followed and the process is ongoing. A vacant property is not necessarily a derelict site. He would be happy to meet with Councillor Noel Connolly to discuss this.

Ms Aspell informed the members that the regeneration team will be in place shortly. The vacancy rate nationally is 6%. The rate in Kildare is 2%. This team will concentrate on Town centres.

Councillor N. Connolly advised that derelict properties fit the bill and that the problem needed to be tackled.

Resolved on the proposal of Councillor N Connolly seconded by Councillor Clear and agreed by the members that the report be noted

27/1022

North Kildare Customer Service Point

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

That the council consider opening a customer service point to deal with face to face enquiries in the customer service point of the County in order to deal with the volume of enquiries that require attention

The motion was proposed by Councillor Killeen and seconded by Councillor Clear

A report from Mr A Dunney A/Director of Services Housing and Corporate Services stated that this proposal can be considered as part of the overall strategic Workforce Planning process as it has both resource and budget implications.

Councillor Killeen was not sure if the report answered the question. She said that a customer service point was needed in North Kildare to meet the needs of customers. This service was available in Athy and Naas

Members supported the motion and made the following points

- Customer Service points could be set up in Libraries or the Municipal Offices
- The customer service point was required on a daily basis not once a month
- How much would it cost to set this up
- Some of the issues could be dealt with by using online clinics and teams meetings.

Ms Aspell advised that this should be dealt with as part of the overall Workforce Plan and that there would be challenges.

The Chief Executive informed the members that time was needed to scope this out. It had to be looked at as part of the overall list of priorities for the council and would be considered as part of the overall Workforce Plan. There are finite resources and lack of staff. If such a service were to be provided it did not mean that issues would be dealt with any faster. She estimated it would take 7 to 10 months for this review.

Resolved on the proposal of Councillor Killeen seconded by Councillor Clear and agreed by the members that the report be noted,

The meeting concluded.

APPENDIX A – Motion no 21 Councillor McLoughlin Healy

a) the availability of documentation for any and all elected members, in advance of a vote on disposal, including documentation providing evidence

- that valuation services are appropriately qualified, properly procured and the valuer is independent of and remote to the applicant
- that the council's brief to the valuer reconciles with the valuation document
- that each action required by the council's own Protocol for section 183 disposals has been adhered to
- that maps include as much context and information relevant to the proposed disposal (eg where necessary for access to applicants adjacent land/s);

b) the development of a policy around procuring second or third valuations, including where the land has not been offered for public auction; where there may be few or no comparables; or where the land has a special interest value for the applicant;

c) the necessity to protect against speculation and the holding of state land in limbo and the flipping of state land for personal profit;

d) that consideration be given to requiring applicants to relinquish the state land, or the agreed price, where they fail to complete the purchase within a specified period; or they fail to use the land by a specified time and particularly where the proposed disposal is to facilitate housing.

e) legal clarity in relation to the retrospective applicability of section 15.2.7 of the current and draft CDP where the award of planning permission creates what would otherwise be termed a ransom strip.”