

KILDARE COUNTY COUNCIL
Minutes of meeting of Full Council held at 3:00 p.m.
Monday 30 May 2022 in
Maynooth University

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

Apologies: Councillors I Keatley, M Leigh, S Moore and R Power.

Also Present: Ms S Kavanagh Chief Executive, Ms A Aspell, Mr J Boland, Mr
E Ryan (Directors of Service), Ms M Higgins (A/Director of
Service), Ms B Sweeney (A/Head of Finance), Ms. C. Barrett
Chief Fire Officer, Ms C O'Grady (Meetings Administrator), Ms K
Keane (Meetings Secretary) and other officials.

The Cathaoirleach welcomed everyone to the May meeting of full council which was being held in his hometown of Maynooth, in the beautiful surrounds of Maynooth University. He thanked Maynooth University for facilitating the meeting and the staff of Corporate Services for making the necessary arrangements. He reminded the members of the protocols on speaking times and sought their co-operation in speaking with brevity to ensure an efficient use of the time available.

01/0522

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.

02/0522

Minutes and Progress Report

The council considered the minutes of the monthly meeting held on 25 April 2022 together with the progress report.

Councillor Weld sought the Cathaoirleachs permission to propose a request that the all-party committee in relation to planning for rural housing be re-established, and that the Group Leaders meet to form the committee.

Councillor Heavey seconded Councillor Welds proposal.

Resolved on the proposal of Councillor Weld, seconded by Councillor Heavey and agreed by the members present that an all-party committee in relation to planning for rural housing be re-established, and that the Group Leaders meet regarding formation of the committee.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Breen and agreed by the members present, the minutes of the monthly meeting on 25 April 2022 were adopted. The progress report was noted.

03/0522

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

04/0522

Section 85 Agreement with South Dublin County Council

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the proposed Section 85 agreement with South Dublin County Council to facilitate the N4 Liffey Valley Bridge Remedial works (reports circulated previously)

Resolved on the proposal of Councillor B Clear, seconded by Councillor S Doyle and with the agreement of the members present that Kildare County Council enter into a Section 85 agreement with South Dublin County Council to facilitate the N4 Liffey Valley Bridge Remedial works under Section 85 of the Local Government Act 2001, as amended.

05/0522

Audit Committee Annual Report 2021

The Cathaoirleach welcomed Dr Moling Ryan, Chair of the Audit Committee to the meeting, and advised the members he was attending to answer any questions they had in relation to the Audit Committee's Annual Report. Councillor McLoughlin Healy stated she had a number of questions for Dr Ryan as follows:

- She asked for confirmation there were no potential for conflicts of interest by members of the Audit Committee and asked that confirmation of same be included in any future report.
- She stated she did not feel meaningfully informed when reading the report.
- She highlighted issues related to procurement and no tendering for valuation services, noting that recommendation had not been picked up previously and asked why it had not been picked up in this report.
- She stated that Internal Audit reports that inform the work of the Audit Committee should be circulated to all elected members as a matter of course.
- She asked how the council knew it was getting value for money when putting contracts out to tender.

The Cathaoirleach stated he was allowing each councillor 3 minutes for questions and confirmed to Councillor McLoughlin Healy she had used up her time. He stated there are 39 other members on the council who are entitled to ask questions also. Councillor McLoughlin Healy objected to the Cathaoirleach limiting the time she was being afforded to raise questions with Dr Ryan. The Cathaoirleach stated he had been allocating 3 minutes per councillor on discussion items since he was elected to the role, and this was in order to enable the efficient use of time and to allow every member an equal opportunity to participate in the meetings. Councillor McLoughlin Healy again objected to her time being limited to raise questions with Dr Ryan. The Cathaoirleach stated he was proceeding with business and sought any further questions from the members. As there were no further questions, the Cathaoirleach invited Dr Ryan to respond to the queries raised.

Dr Ryan thanked the Cathaoirleach and responded to the questions raised as follows:

- Conflicts of interest was the first agenda item on every Audit Committee meeting and if there is a conflict declared, the person is required to excuse themselves from the meeting. He stated he was a member of 3 other Audit Committees and the same process applied in each.
- The Annual report was produced to give an overview as to what was being worked on, it was never intended to reflect the detail in the Internal Audit reports being reviewed.
- The Audit Committee does not have a supervisory role, it provides an oversight function ie. manning the gate. He confirmed this was the format across all public sector reports.
- In relation to Procurement, he stated the committee was sensitive to the issue noting a Procurement Officer was in place since 2018 confirming it was an extremely complex area having regard to open tendering, OGP frameworks etc. He reassured the members that this item was a priority item for the committee.
- He stated he did not have a particular position on the point regarding availability of Internal Audit reports but did not see any reason why it could not be put in place.
- He stated Value for Money came under the Audit Committee remit but can be difficult to quantify , notable in the Roads area.
- On the issue of Risk Management the Committee goes through each departments Risk Register having regard to this item given Risk was absolutely fundamental to the work the committee undertakes.

The Cathaoirleach thanked Dr Ryan for attending the meeting and thanked both him and all the Audit Committee members for their continued work in this important area. The Audit Committee Annual Report 2021 was noted.

06/0522

2021 Annual Report

The members considered the 2021 draft Annual Report, including the Annual Service Delivery Plan 2021 progress report and the Corporate Plan progress report for 2021.

The Meetings Administrator advised that as per legislation, the Annual Report had to be adopted and published by the 30 June each year. She confirmed the draft Annual report included the Annual Service Delivery Plan 2021 progress report and the Corporate Plan 2019-2024 progress report, and that the NOAC service indicators would be added when published by NOAC.

Resolved on the proposal of Councillor Hamilton, seconded by Councillor Weld and agreed by the majority of members present, the draft 2021 Annual Report including the Annual Service Delivery Plan 2021 Progress Report and the Corporate Plan progress report for 2021, were approved. Councillor McLoughlin Healy abstained.

07/0522

Gnó an Cathaoirleach/Cathaoirleachs Business

The Cathaoirleach firstly congratulated Councillor Evie Sammon on her recent wedding, and extended the councils best wishes and congratulations to Councillor Ciara Galvin who was getting married this coming weekend. He confirmed he attended the following events since the council had last met:

- Welcomed the American Ambassador, Claire D Cronin to Kildare at an event arranged by the Kildare Chamber in Kilkea Castle.
- The handover of Gates to Kildare County Council at the former army apprenticeship school. The Cathaoirleach complimented Councillors Seamie Moore and Michael Coleman on all their hard work in arranging this event.
- Chamber of Commerce Dail visit and engagement with ministers.
- Welcomed Taoiseach Micheal Martin to Kildare for the launch of new homes in Castlefen, Sallins with Tuath Housing
- Awards for Volunteer Work during Covid in the Keadeen Hotel, Newbridge. He paid particular thanks to the Community Department for their work in arranging such a successful event.
- Africa Day in Maynooth, Monasterevin and Athy which showcased the county's diversity.

- Coiste Gaeilge Scholarship awards, noting this was its 7th year and thanked Josh Hannigan Coiste Gaeilge administrator, Betty Maguire, Irish Officer and Councillors Íde Cussen and Anne Breen.

The Cathaoirleach also extended congratulations to the Kildare Senior Hurlers as the Christy Ring cup winners, the Kildare u14 Ladies on their All Ireland success and the Kildare u20s on their All Ireland win in Leitrim. He acknowledged the participation of the Kildare Senior footballers in the Leinster Final which unfortunately did not go their way on the day.

He concluded by confirming that Bernie Tutty, member of the Chief Executives office team had recently retired after 45 years dedicated service to Kildare County Council. On his own behalf and on behalf of all former Cathaoirleachs and all the members, he thanked her for all her assistance and courtesy afforded to them all and wished her every happiness in the next chapter of her life.

08/0522

Comhfhreagras/Correspondence

The Meetings Administrator confirmed seven items of correspondence had been circulated to the members with the Progress Report. These included a response from AILG in relation to a Motion on Section 212 of Local Government Act 2001, a Local Government Circular relating to Attendance Requirements for Elected Members and five motion referrals received from other local authorities.

The correspondence was noted.

09/0522

Conferences and Training

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

- AILG Module 3 inperson training – Finalising your Development Plan - Hodson Bay Hotel, Athlone (Western and Eastern Regions) on Thursday 16 June. Cost to be confirmed
- AILG Module 3 inperson training - Finalising your Development Plan – Avalon House Hotel, Castlecomer (Southern Region) on Thursday 16 June. Cost to

be confirmed. Cllr. P McEvoy and Cllr. E. Sammon indicated they would attend.

- AILG Webinar 6 – Video Campaign – how to create and connect with your audience on Friday 15 July. Cost to be confirmed.
- AILG Module 4 inperson training – Government Legislation Policy Programme 2022 – A briefing for Elected Members – Allingham Arms Hotel, Bundoran on Saturday 23 July. Cost to be confirmed.
- Octave Digital – Online Training in Social Media for Councillors – dates to be confirmed with a cost of €2,600 for the group.

The Meetings Administrator advised the members that the viability of the social media training would depend on the numbers interested and that it was outline approval being sought at this time. A number of members confirmed to the Cathaoirleach that they would be interested in undertaking this training.

Resolved on the proposal of Councillor P O’Dwyer, seconded by Councillor Kelly and agreed by the members, the aforementioned conference and training events were approved and outline approval for the Online training in social media for councillors, was approved.

10/0522

Housing Strategic Policy Committee

The members received a report from the Chair of the Housing Strategic Policy Committee Councillor Brendan Weld. Councillor Weld informed the members of the membership of the committee and the key policy areas in the work programme. He stated the committee had met 3 times to date in 2022 and outlined their work plan:

1. Rebuilding Ireland: Action Plan for Housing and Homelessness and Housing for All
2. Affordable Housing
3. Homelessness
4. Strategic Plan for Housing Persons with a Disability - a new plan is to be adopted in 2021.
5. Traveller Accommodation Programme
6. Anti-Social Behaviour Strategy
7. Energy Efficiency Programme/Midlands Energy Efficiency Retrofit Programme

Councillor Weld highlighted the huge challenges facing councils in light of the ongoing Ukrainian refugee crisis and confirmed that offers of accommodation for refugees must have planning permission.

He also advised of the challenges faced and opportunities that presented themselves under the following headings

- Housing Supply and Affordability
- Available landbanks
- Rebuilding Ireland and Housing for All
- Homelessness
- Impact of Covid 19 on Service Provision
- Resources

Councillor Weld concluded by thanking the Director of Housing Ms Aspell, all her staff and the members of the Housing SPC for their hard work to date.

The report was noted.

11/0522

Committee referral - Kildare-Newbridge Municipal District

The following recommendation from the May meeting of the Kildare-Newbridge Municipal District Committee was considered by the members.

That Comhairle Contae Chill Dara liaise with Coillte, the OPW and other relevant bodies to erect signs to improve the awareness around ticks causing Lyme Disease at our scenic areas, public bogs, woodlands and other suitable areas in the county (report attached).

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

The report to the Kildare-Newbridge committee was received from the Parks Department informing the members that subject to the members approval, the Parks Section will liaise with relevant bodies to see if it is feasible to erect signs to improve awareness around ticks and Lyme's Disease.

The following is an extract of the discussion that took place at the meeting of the Kildare-Newbridge MD:

- May was Lyme's disease awareness month.
- While awareness was growing, signage on what to look out for would improve awareness.
- Could the motion be sent forward to Full Council for a countywide approach.
- Prior to the Full Council meeting could the Parks Department liaise with the relevant bodies so that more information might be available.

Resolved on the proposal of Councillor N Connolly, seconded by Councillor Stafford and agreed by the members that the Parks Department liaise with the relevant bodies and that the motion be referred to Full Council.

End of minute extract.

Councillor N Connolly thanked the members for supporting his motion, noting that May was Lyme's disease awareness month and outlined the seriousness of contracting the disease.

Ms Higgins confirmed the council had linked in with the OPW and with Coillte on the matter and were using its social media channels to highlight this important issue.

Resolved on the proposal of Councillor N Connolly, seconded by Councillor P O'Dwyer and agreed by the members present, the report was noted.

12/0522

Allocation of Vacant Council houses/Units

The following motion in the names of Councillors Tracey O'Dwyer and Kevin Duffy was considered by the members.

That the council take an approach to immediately allocate vacant council houses/units that only have minor works outstanding (excluding fire or electrical issues) given the critical housing needs and the excessive cost of materials and labour and schedule these minor works post occupation with prior tenancy agreement.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that where vacancies occur in council owned stock the council is responsible for surveying such properties in advance of allocating tenants, this survey will determine if a property can be turned around in a short period. Failure to carry out such inspections prior to a tenant being appointed may result in health and safety and insurance implications for the council.

A process is already in place to ensure that a contractor is appointed speedily to such properties, therefore ensuring properties are turned around as quickly as possible and that works are completed to a high standard.

Councillor Duffy stated he had examined the Vacant House reports from the last number of years noting a significant increase in the unit numbers for both Major and Minor works needed. He stated that in some cases, houses were sitting idle for more than 12 months and the council needed to develop new ways of managing this anomaly given the country was in the midst of a housing crisis and pressure was mounting further due to increasing inflation. He cited an example of potentially allocating a house that did not have all the kitchen units installed, yet in all other ways was fit for purpose. Councillor T O'Dwyer supported the motion stating she had brought a similar motion to her own MD and sought clarity around what constituted "minor" works and asked was there a target time for a house to be inspected to establish if it was fit for allocation and if not, could a limit be put on it.

The members supported the motion and made the following comments:

- Could new tenants be offered a grant to complete any minor works needed and if the works were not completed within a specific timeframe, the tenancy would be reviewed.
- Could an apprenticeship scheme be put in place to enable some of the houses requiring minor works being brought back into use
- Could an MD pilot programme be introduced as discussed previously, as there was a level of frustration growing around this issue now.

Ms Aspell responded by confirming that the Quick turnaround Framework was working very well and there were 11 less properties on this months list than last months. She stated she would circulate the definition of what constituted "minor"

works and that the turnaround/allocation KPI's council were measured by were set out in the NOAC report. She reminded the members of the difficulties that are encountered when there is fire damage to properties and the council are relying on insurance companies to enable matters to be progressed. She concluded by stating the members were underestimating the tenant expectation levels when moving into council properties.

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

13/0522

Kildare County Council Apprenticeships

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

That Kildare County Council undertakes to promote and deliver apprenticeships particularly in light of the shortage of tradespersons in the current climate and the need to deliver housing.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that since 2015, SOLAS has led a redesign of apprenticeships. These have expanded from the traditional construction, electrical, and plumbing trades into new sectors including Auctioneering and Property Services, Insurance Practitioner, Accounting Technician, IT, Sales and Recruitment. Apprenticeships are to be expanded further, and in this regard, An Action Plan for Apprenticeship 2021-2025 was launched in 2021 [Link <https://www.gov.ie/en/publication/0879f-action-plan-for-apprenticeship-2021-2025/>]

The Action Plan for Apprenticeship 2021-2025 commits to expanding the number of apprenticeships in the public sector. Discussions have commenced nationally with regard to the potential for apprenticeships within local authorities including the housing sector [both local government and approved housing bodies]. I understand that a proposal is to be prepared and submitted to SOLAS for consideration. The

outcome of discussions nationally will inform any future apprenticeship programme in Kildare County Council, including as it relates to the housing function.

Councillor Breslin welcomed the report and the national programme that was in place and asked that the members be kept advised of developments in the area. Councillor Galvin noted the lack of progress since the implementation of the plan in 2021 and asked that due regard be had to the need for inclusivity around gender, disability and age when implementing any proposals.

The members supported the motion and expressed the importance of the council leading in this area. Ms Aspell noted the members comments and stated she was engaging on the issue via the LGMA and the HR department were tracking the matter also. She undertook to keep the members updated.

Resolved on the proposal of Councillor Breslin, seconded by Councillor Galvin and agreed by the members present, the report was noted and the members to be kept updated.

14/0522

Assessment of Derelict/ Unfinished/ Abandoned Houses

The following motion in the name of Councillor Suzanne Doyle was considered by the members.

That having regard to the persistent housing crisis, an assessment of derelict/ unfinished/ abandoned houses in the county be considered by the relevant SPC/SPCs with a view to reviewing and addressing obstacles that may be preventing these properties from becoming part of the active housing stock of the county.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that according to Geo Directory's Quarter 2 report the vacancy rate for privately owned homes in County Kildare is below the national average; the national average vacancy rate is 4.5% in comparison to Kildare's vacancy rate which is recorded as 2%. A base vacancy rate of 6% is normally expected within a properly

functioning housing market to allow for the scenarios such as renovation, change of ownership and turnover of tenants.

The council however recognises the importance of addressing vacant properties in tackling dereliction and improving streetscapes across the county. The council appointed a Vacant Homes Officer in 2018 who carries out tasks that support the implementation of the Vacant Homes Action Plan which includes carrying out visual inspections/assessments of residential properties with a view to identifying possible vacant recoverable homes, identifying the registered owners and making contact where possible to make owners aware of the options to assist in bringing their properties back into use for private or social housing purposes through schemes such as the Buy & Renew Scheme and the Repair & Leasing Scheme. The Vacant Homes Officer has already progressed three CPOs across the county and is currently assessing other properties for inclusion in a programme of further acquisitions, all under the “Buy and Renew Scheme”. It is the council’s full intention that these vacant properties will be brought back into circulation and increase the units available to us through our own housing stock. In addition to any current work programme, we continue to assess options relating to other vacant units as appropriate.

In addition to the above, it is the council’s intention to fully engage with the Croí Conaithe and Town Centre First programmes and these are currently being assessed for applicability in Kildare.

Housing for All is included on the work programme of the Housing SPC, as a result the members of the SPC receive an update on the work of the Vacant Homes Officer.

A report from Mr J Boland, Director of Services, Water Services, Environment and Climate Action stated that specifically regarding Derelict Sites, 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.

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.

In the past year or so the number of derelict sites under review has reduced from 140 to 39 cases which are currently being investigated. There are also a range of challenges as the conversion of derelict buildings to residential is often not so straight forward from a design/project management perspective. In addition, not all derelict sites will be suitable for conversion to housing (some located in industrial areas etc).

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 Doyle thanked the Directors for the detailed reports and asked that consideration be given to running a pilot in one of the counties key towns.

The members supported the motion and stated the numbers outlined on the website did not accurately reflect the position on the ground. Councillor Stafford stated vacancy was being caused because of repossession due to emigration, marital breakdown and mortgage arrears and asked the that the Vacant Homes Officer renew her engagement with the banks on this basis.

Ms Aspell confirmed the VHO had made contact with the banks and the Department were taking this into consideration and looking at how the local authority can recoup its costs via the Buy and Renew Scheme.

Mr Boland supported what the members were highlighting but noted that very few houses become available via derelict sites, but he undertook to review the matter having regard to the comments made by the members on their on-the-ground

experience.

Resolved on the proposal of Councillor Doyle, seconded by Councillor A Connolly and agreed by the members present, the report was noted.

15/0522

Empty and Derelict Houses in County Kildare

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

That Kildare County Council provides a report on the empty and derelict houses in County Kildare that are in the ownership of the council, to include what stage each house is at in relation to the time required, and the issues involved to bring the property up to rental standards.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that Members are provided with the Vacant House Report in advance of each Municipal District meeting and Full Council meeting. This report details the number of vacant properties per MD area and categorises the properties into those which require minor or major work. The report is in the format agreed with the Housing SPC.

The format and content of the vacant house report has been considered by the Housing SPC on a number of occasions, most recently at the May 2021 SPC meeting. At this meeting it was agreed that the monthly vacant house report presented to elected members would be amended to include new house purchases and the SPC would get a more detailed report with regard to any longer term vacant properties.

It should be noted that NOAC does not include newly purchased houses in the compilation of vacancy statistics for the annual performance indicator report.

Councillor Clear stated the Naas Tidy Towns Group had completed a survey in Naas and Sallins and the numbers of units they had identified as vacant were higher than that contained on the register. He stated this was a national issue and that all local

authorities had to do better. The members supported the motion stating the council had to look at all ways in bringing vacant properties into residential use given the seriousness of the housing crisis.

Ms Aspell thanked the members for their comments noting there was a distinct difference between derelict and vacant homes and that monthly updates were being given to the members in the Chief Executives report. She stated Waterford was the pilot for the new Buy and Renew Scheme and a lot of learnings would come out of that and the Housing SPC were in receipt of detailed updates in this regard.

Resolved on the proposal of Councillor Clear, seconded by Councillor N. Connolly and agreed by the members present, the report was noted.

16/0522

Planning Permissions Granted under RH13

The following motion in the name of Councillor Brian Dooley was considered by the members.

That having regard to Section RH13 of the rural housing criteria within the current County Development Plan, that Kildare County Council provides a report on planning permissions that have been granted under RH13 since the current Development Plan was adopted broken down by municipal district area, to include the number of houses permitted, the number of clusters permitted to include the number of houses in each cluster, and the dates on which the permissions were issued.

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

A report from Mr E Ryan, Director of Service, Planning, Strategic Development and Public Realm stated that the information requested by Councillor Dooley for dwellings granted having regard to Policy RH13 of the Kildare County Development Plan 2017-2023 is not recorded. While many one off rural dwellings are granted having regard to Policy RH13, a search of the planning system for the term 'cluster' provides only one such case as outlined in the table below. A number of clusters were also granted in rural nodes having regard to Policy RH25.

Ref	Municipal District	Date Granted	No.of Clusters	No. of units
22/85	Kildare-Newbridge	20/4/22	1	1

Councillor Dooley stated the intent of the CDP was to encourage clusters yet the council were not recording stats to enable an assessment of the policy to see if it was working. Councillor Weld stated that applicants are putting large efforts into planning applications for clusters and the council should now do an audit to establish the correct stats. The members supported the motion stating the new County Development Plan had to be fit for purpose in supporting cluster developments in the future. The Cathaoirleach stated this issue affected all councillors who receive reps on a daily basis in relation to rural housing in the county.

Mr Ryan noted the members comments stating it was difficult to extract the information requested but the planning process and the information related to it was open and available to the public, and it could be examined further following the request.

Resolved on the proposal of Councillor Dooley, seconded by Councillor Weld and agreed by the members present, the report was noted.

17/0522

Safety Audit of Public Spaces

The following motion in the name of Councillor Angela Feeney was considered by the members.

That the council initiates a public consultation on how best to make public spaces safer for all citizens, paying particular attention to the female perspective and to carry out a safety audit of all its public spaces with a view to re-designing these with safety needs in mind.

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

A report from Mr E Ryan, Director of Service, Planning, Strategic Development and Public Realm stated that the Council currently does not have the resources to carry out a full safety audit on all its public spaces in the County, however human centred

design, having regard to safety of all users is an important consideration in the design of all public spaces and parks.

Chapter 15 of the Kildare County Development Plan 2017-2023 (CDP) addresses Urban Design in a general context and numerous references are made to the design & layout of developments in providing passive surveillance to discourage anti-social behaviour. Specifically the CDP sets out 'Guiding Principles for Development in Consolidation & Expansion Areas' (Table 15.1 refers) and overall layout design considerations (Section 15.8 refers). In this regard priority should be given to ensuring routes are direct, safe & secure, that streets are well designed & well-lit which would consequently encourage pedestrian activity and that there should be passive supervision of the public realm, which is noted as being the most effective means of preventing anti-social behaviour.

It should also be noted that Objective UD O4 (Chapter 14 - Urban Design, Placemaking and Regeneration) of the Draft Kildare County Development Plan 2023-2029 states that *'it is an objective of the Council to require all proposals for multi-unit residential developments to demonstrate how the principles of 'Crime Prevention Through Environmental Design' have been considered and applied in the design and layout of the proposed scheme'*

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that the use of passive supervision is an important consideration in the location and design of all parks and playgrounds. This requires as much as is practicably feasible the parks and playgrounds to be overlooked by adjacent housing and roads and paths and the elimination of isolated areas.

Other design considerations are the inclusion of lighting, avoiding the use of densely planted areas and use of standard trees with no lower branches also maximising the use of open spaces and encouraging community ownership.

Councillor Feeney thanked the Directors for the report stating the purpose of her motion was to highlight the issue. She stated Maynooth University had done research into this area titled "Travelling in a Womans Shoes" which specifically concentrated on women but that the issue affected all cohorts of society and the

council needed to take account of the issue when designing public realm spaces. She suggested that feedback, particularly from teenage girls, be arranged via the consultation portal in an effort to establish trends and patterns that could shape the development of public realm spaces in the future.

Ms Higgins stated that consultation as outlined by Councillor Feeney could be considered for any new development of public realm space but currently, passive surveillance was relied upon.

Mr Ryan stated the definition of public space was very broad but that the issue would be taken into account in almost all planning applications. He confirmed he would be happy to work with all relevant directorates in the regard.

The Chief Executive stated it was something the Joint Policing Committee could consider as part of its work programme whilst having regard to the matter in the built environs already in place.

Resolved on the proposal of Councillor Feeney, seconded by Councillor Galvin and agreed by the members present, the report was noted.

18/0522

Annual Report/Briefing on Litigation Matters

The following motion in the name of Councillor Mark Stafford was considered by the members.

That the council provide an annual report/briefing to members on all relevant litigation matters in which the council is a party or a notice party to, to include without prejudice to the generality of the foregoing, all relevant personal injury claims, judicial reviews, planning injunctions, breach of contract and enforcement matters.

The motion was proposed by Councillor Stafford and seconded by Councillor Sammon.

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that information relating to litigation matters can be incorporated into the council's annual report and will be considered in the context of preparing the annual report for 2022. In advance of this, Councillor Stafford might clarify what is meant by the reference to "relevant" litigation matters. Any risks to the organisation will need

to be assessed to ensure that no information is released that would be to the detriment of the Council.

Councillor Stafford outlined a number of high-profile cases the council had been involved in and referenced a recent debate at his municipal district meeting where the members were refused access to legal advice, yet had received legal advice in relation to another matter previously. He asked that there be more visibility around prosecutions and his use of the word “relevant” allowed the council to put whatever restrictions it needed to put in place to provide the report requested. He confirmed reporting on any case that was sub judice could be deferred until it could be discussed.

The Chief Executive stated she had understood the request to relate to cases that had a relevant impact on the council. She stated it was something the Management Team would have to consider, and she would revert to the members following this. **Resolved** on the proposal of Councillor Stafford, seconded by Councillor Sammon and agreed by the members present, the report was noted.

The Cathaoirleach noted that Councillor Moore’s motion was the next item listed on the agenda but as Councillor Moore was absent from the meeting and he had not issued any instruction in relation to his motion, his motion fell.

20/0522

Dog Waste Awareness Campaign

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

That the council prepares a creative dog waste awareness campaign to again reinforce better waste management in our communities and to reiterate how to properly dispose of dog waste.

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

A report from Mr J Boland, Director of Services, Water Services, Environment and Climate Action stated that following on from the campaign that took place in July

2021 which was supported by members of the respective Municipal Districts (see attached photos), the Environment Section is currently preparing a number of dog waste awareness events in each of the municipal districts. This will consist of installing (on a temporary basis) audio warning devices on routes regularly used by dog walkers reminding people to clean up after their dog. Stencilling will be done in the vicinity of the audio to remind people in the longer term. A press release will issue and councillors will be invited to participate in photocalls at each of the sites. We propose to have the five sites in operation at the same time and run a social media campaign to capitalise on this.

The Council also ran a poster competition for schools on dog fouling at the end of 2021 and we will be using suitable entries on the next batch of dog fouling signage that we will be ordering. These signs are then given to resident's associations, Tidy Towns groups etc. for erection at suitable locations. By freshening up the signage it is hoped to raise awareness of the issue.

Councillor Hamilton thanked the Director for the report and asked that the council emphasise the public health issue in all of its communications on this matter and asked if there was a national campaign the council could tag onto in this regard. The members enquired if CCTV could be used in particular hot-spots to try and tackle the issue. Councillor Sammon stated the enabling legislation to effect this approach had not yet been enacted.

Mr Boland stated he was happy to take the members suggestions on board confirming a national campaign was being led regionally by Dublin City Council and his department would be liaising with them on it.

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

21/0522

Cycling Without Age

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

That Comhairle Contae Chill Dara liaises with Cycling Without Age (<https://cyclingwithoutage.ie/>) or another suitable body with a view to procuring a number of Trishaws for community use by older people throughout the county.

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

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that Kildare Sports Partnership (KSP) team and the Cycling Officer is engaging with a local Naas community group about this initiative. In order for the programme to be successful, the following items must be considered:

- The necessary infrastructure is in place (i.e. appropriate cycletrack network)
- A local host group/organisation would have to be identified to lead the project
- Given the current workplan and budgetary constraints of Kildare Sports Partnership, the cost of funding such a programme will be an issue
- A base location must be identified to store the Trishaws and be the focal point for usage, e.g. Nursing Homes etc.

KSP will continue to engage with the local group to work through the above considerations and members will be kept updated.

A report from Ms P Pender, A/Director of Services, Roads Transportation and Public Safety stated that the matter has been discussed with the NTA and they have indicated that they are not in a position to fund trishaws. Considering the current extent of the segregated cycle network built across the county, it is considered that there would be limited opportunities for meaningful leisure use of cycletracks from nursing homes etc. Kildare County Council is committed to supporting inclusive cycling initiatives and the matter can be further discussed at CKAN meetings to encourage cycling for all.

Councillor N Connolly stated that life should not become boring or confined due to your age or your mobility and this motion was a way of enabling people to become active citizens in their community and welcomed the council's willingness to engage

in the proposal. Councillor Clear stated the McAuley Housing were trying to trial this initiative and noted that Kildare was really well placed to support this initiative given the numbers of Greenways and Blueways in the county. He was saddened to hear the NTA were not going to fund it and suggested that each MD take on a pilot in this regard.

Ms Higgins welcomed the motion and confirmed that KSP were engaging with a group in Naas but given there was no budget or work programme in place, she asked that the council be given time to get the logistics in place and come up with the necessary requirements. The members agreed.

Resolved on the proposal of Councillor N Connolly, seconded by Councillor Clear and agreed by the members present, the report was noted.

22/0522

Local Authority Housing Stock

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

That the council furnishes a detailed breakdown on the maintenance allocation and spend on local authority housing stock over the last five years, broken down by municipal district area.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that as costs are not apportioned across Municipal Districts, it is not possible to provide the information in the format requested. The following is the total Housing Maintenance spend in the period 2017 to 2021 and the amount budgeted for 2022:

Year	Amount
2017	€9, 610, 465
2018	€10, 831, 703
2019	€9, 810, 320

2020	€12, 447, 204
2021	€16, 239, 142
Budget 2022	€10, 543, 684

Councillor P. O'Dwyer noted the report referenced maintenance spend and stated the purpose of her motion was to establish if there was enough funding *allocated* to cover maintenance costs each year.

Ms Aspell confirmed the allocation amounts could be sought noting the €6m allocation in 2021 included the energy efficiency programme and that all of that had not yet been recouped. She highlighted to the members that as units were added to the councils housing stock, the maintenance funding requirements increased and this would be closely monitored over the coming years.

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.

23/0522

Kildare Noise Action Plan 2019-23

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

That considering the Kildare Noise Action Plan 2019-23 states that “the implementation of the Action Plan will be reviewed and reported within the Fourth Round Noise Action Plan”, that the council upload the relevant annual reports to the council’s website for (1) 2019-20 and (2) 2021, for the information of the general public and if this is not possible, an explanation given why the information cannot be made available in this way.

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

A report from Ms P Pender, A/Director of Service, Roads, Transportation and Public Safety stated that the Environmental Protection Agency is the authority responsible for overseeing the preparation of Noise Action Plans in accordance with Environmental Noise Directive (END) 2002/49/EC. An annual Noise Action Plan progress report is submitted by each Local Authority to the EPA on or before the 28

February each year. The EPA provides a template to the Council which forms the basis of an internal report, then summarised and issued to the Department of the Environment, Climate and Communications. The Summary Report for Year 3 (2021) is expected to be published in Q3 2022 and will be available on the EPA website.

The current Round 3 Noise Action Plans can be found by clicking the links into the Round 3 Noise layers on EPA maps, which can be accessed using the link below: <https://www.epa.ie/our-services/monitoring--assessment/noise/noise-mapping-and-action-plans/>

Kildare County Council will publish the EPA link details on its website.

Councillor Kenny accepted the report.

Resolved on the proposal of Councillor Kenny, seconded by Councillor Hamilton and agreed by the members present, the report was noted.

24/0522

Airbnb Properties for Rent in Kildare

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

That further to my motion to the February 2020 council meeting, that Kildare County Council confirms the number of properties in Kildare that are currently available to rent under Airbnb; how many of these properties are being rented for less than 90 days and have registered for exemption with us, their local authority; how many of these are properties that are being rented more than 90 days and have applied for planning permission for a change of use; and if there are currently any properties in Kildare that are year-long short-term lets and therefore prohibited in Kildare due to our Rent-Pressure Zone status?

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

A report from Mr E Ryan, Director of Service, Planning, Strategic Development and Public Realm stated that investigations into STLs in Kildare is ongoing. Findings of the independent group "Inside AirBnB" (www.insideairbnb.com) have calculated that there are c. 270 lettings listed on the AirBnB website for Kildare county . Of these,

c.130 are entire homes/apartments. Inside AirBnB does not give specific details on individual listings but these high level figures of lettings within the county are of note.

To date 54 no. lettings have been assessed by the planning authority and 21 no. of these cases have been closed to date.

A total of 4 no. properties are currently registered with the Local Authority.

There is no record of any properties renting in excess of 90 days having applied for a change of use permission. However, investigations are ongoing and of the 33 no files that remain open and currently being progressed, should there be a requirement to regulate same, this will be done through the enforcement system. As advised previously 2 no. cases have resulted in enforcement action to date.

Investigations are ongoing and at this point in time we do not have information in relation to the no. of properties in Kildare that are year-long short-term lets.

Councillor Pender sought clarification why 21 of the 54 cases had been closed. He stated that Kildare was in a Rent Pressure Zone, and that people were being evicted to enable short term lettings and nobody should be allowed to do that.

Mr Ryan undertook to follow up on the reasons for the cases being closed and revert to the members.

Resolved on the proposal of Councillor Pender, seconded by Councillor Killeen and agreed by the members present, the report was noted and clarification to issue on cases closed as requested.

25/0522

Community Engagement in Reaching 2030 Climate Targets

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

That recognising the importance of active community engagement and empowerment in reaching our 2030 climate targets, the council starts a process to co-develop a strategy that will support, harness and engage with citizen science in the development of relevant policies and actions.

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

A report from Mr J Boland, Director of Services, Water Services, Environment and Climate Action stated that the importance of community engagement and empowerment is recognised through various processes that support, harness and engage citizen science in development of policies and actions. In the arena of Climate Action, Kildare County Council as signatory to the Climate Action Charter has agreed to ‘..helping to build and implement a sustainable localised citizen engagement...’. The use of the public consultation and associated wide knowledge base assisted in many strategies and actions, including:

- The selection of Maynooth as the nominated Decarbonisation Zone.
- The Local Just Transition Plan for West Kildare embodies citizen engagement. Citizens were fully engaged and not only assisted with but provided local actions to create and establish sustainable communities into the future with the ethos of ‘no one is left behind’.
- The Climate Innovation Fund enables citizen science to be funded to reach our collective climate goals in the form prescribed by the citizen or grouping associated.
- The Community Climate Action Fund is to be made available shortly with guidance and financial supports to administrate the fund to actively undertake climate actions in the community.

The Climate Action Office is available to discuss the matter further.

Councillor Liston stated she wished to highlight the opportunity to engage with citizen science and using the information that was gathered in this regard. She confirmed this method had been recognised by the European Commission in numerous different areas and platforms and sought the councils support in developing a policy around citizen science where all citizens could feel heard and supported.

Mr Boland welcomed the timely motion noting it tied in with the bottom-up approach been taken by the council via its community Climate Action Plans. He stated he was

happy to do some more research in the area and refer it to the Climate Action SPC for further consideration. Councillor Clear agreed with the Director stating he was happy to give further consideration to it at the SPC.

Resolved on the proposal of Councillor Liston, seconded by Councillor Killeen and agreed by the members present, the report was noted, and the motion be referred to the Climate Action SPC for further consideration.

26/0522

Pop Up Pool

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

That Kildare County Council considers the acquisition of a pop up pool in 2023 for the provision of interim swimming facilities that can accommodate up to 1400 persons in the community per week through, as per the SWIM Ireland innovative pop up pool solution and in the interim; considers a temporary rental for a period of 12 weeks as an initial starting point to resolve the long outstanding need for provision of swimming amenities for all communities in Kildare which will enable children to learn to swim and will offer all cohorts of the community an opportunity to swim for leisure.

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

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that Swim Ireland has recently launched its first 'Pop-Up Pool' located in Donabate Portrane Community Centre. The initiative is supported by Sport Ireland and additional pools are scheduled for Wicklow and Sligo. Every 12-weeks the Pop-Up Pools will move new locations around Ireland.

There is significant investment required on site including changing rooms onsite, a ramp and a hoist. Our Sports Partnership Team will engage with Swim Ireland to investigate if this initiative could be brought to Kildare including availability of resources, funding and suitable location and the members will be kept updated.

A report from Ms E Uí Fhátharta, Senior Planner, Planning Department stated that the development of a Swimming Pool under Article 80(1) (g) of the Planning and

Development Regulations is a use prescribed for the purposes of Part 8, therefore regardless of the cost, a Part 8 is required.

Councillor Killeen stated her motion was again an attempt to get swimming facilities for the north of the county. She outlined the lengthy history around the attempts to secure a swimming pool for the north of the county and noted how badly served the environs of Leixlip and Maynooth are in this regard. The Cathaoirlach fully supported the motion noting that Athy and Naas both had K-Leisure operated swimming pools but no such facility existed in the north of the county. The members supported the motion and raised the following points:

- Was there the possibility of recommissioning the old swimming pool in Maynooth University and bringing it into use?
- Was a Part 8 required and what had other counties done in relation to planning requirements?
- Could the council examine if there was a potential for the public to access the swimming pool in Clongowes Wood School?

Councillor Killeen thanked the members for their support and invited them all to see the pop-up pool in operation when it was in-situ in Wicklow on 23 January 2023.

Resolved on the proposal of Councillor Killeen, seconded by Councillor Pender and agreed by the members present, the report was noted.

The Cathaoirleach noted that Councillor McLoughlin Healy's motion was the next item listed on the agenda but as Councillor McLoughlin Healy had left the meeting and had not issued any instruction in relation to her motion prior to leaving, her motion fell.

The Cathaoirleach concluded by reminding the members that the Annual Meeting of the council was taking place on Friday 24 June at 3pm in the Council Chamber and the June monthly meeting would return to the Council Chamber also and thanked everyone for coming to the meeting in Maynooth.

The meeting concluded.