

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Full Council held at 3:00 p.m.**  
**Monday 23 October 2023 in the Council Chamber**  
**Áras Chill Dara, Devoy Park, Naas, Co Kildare**

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

**Online** Councillors E. Sammon, F Mcloughlin Healy, B Dooley and C Galvin.

**Also Present:** Ms S Kavanagh Chief Executive, Ms. A Aspell, Ms. M Higgins, Mr A Dunney (Directors of Service) Ms. C Barrett, (A/Director of Service) Ms. F Millane (A/Head of Finance), Mr E Ryan Director of Services, Ms. C O'Grady (Meetings Administrator), Mr. J Hannigan (Meetings Secretary) and other officials.

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The Cathaoirleach welcomed everyone to the October meeting of Council in the revamped council chamber. He asked the members to be patient while everyone got used to the new system and confirmed that there were still some outstanding items to be configured including the speaker list and voting system. He sought the members continued co-operation in adhering to protocols on speaking times to continue the efficient use of the time available.

**01/1023**

**Bereavements**

The Cathaoirleach extended his sympathy to the families of the late

Lily Fitzsimons, Mother of Brendan Fitzsimons (CARO)

Marie McNally, Mother of Darren McNally (Architectural Services)

Seamus Burke, Father of Ann Marie Burke, (Building and Development Control)

Paddy Noons, Father of Margaret O'Donohoe (Human Resources) and Padraig Noons (Housing).

Kathleen Reid, Mother of Mark Reid (Library and Arts Service)

A minute's silence was observed.

**02/1023**

**Declaration of Interests**

The Cathaoirleach sought from the members any declarations of conflicts of interest or pecuniary or beneficial interests under Section 177 of the Local Government Act 2001 as amended. There were no declarations.

**03/1023**

**Minutes and Progress Report**

The council considered the draft minutes of the monthly meeting held on 25 September 2023 and the progress report.

**Resolved** on the proposal of Councillor Ó Cearúil seconded by Councillor Leigh and agreed by the members present, that the draft minutes of the monthly meeting held on 25 September 2023 be adopted.

The progress report was noted.

**04/1023**

**Chief Executive's Monthly Management Report**

The members noted the Chief Executives monthly management report.

**05/1023**

**Section 85 Agreement with Cork County Council**

The members considered pursuant to Section 85 of the Local Government Act 2001, as amended, the approval of a Section 85 Agreement with Cork County Council in respect of the provision of Social Housing via a Public Private Partnership -Social Housing PPP (Bundle 6) Programme.

D. Creighton Senior Architect confirmed that a report had been circulated detailing the overview of the programme and the method of delivery and recommending that in order to enable Cork County Council to act as the lead local authority in the Social Housing PPP Bundle 6 Programme and be the contracting authority, Kildare County Council adopt the following resolution.

Pursuant to Section 85 of the Local Government Act 2001, as amended, Kildare County Council hereby agrees to enter into an Agreement with Cork County Council, whereby Cork County Council will carry out all of the functions for Kildare County Council in respect of the Social Housing PPP (Bundle 6) Programme with the following exceptions:

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

Councillor T O'Dwyer enquired if the councillors needed to contact someone would the point of contact be in Cork County Council or Kildare. She was advised that the point of contact would be in Kildare County Council

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Moore and agreed by the members present to approve the Section 85 Agreement as outlined above with Cork County Council in respect of the Social Housing PPP (Bundle 6) Programme.

### **06/1023**

#### **Filling of Casual Vacancy in the Membership of Council**

The members considered the casual vacancy in the membership of the council following the resignation of Cllr. Mark Stafford.

Due notice had been circulated to the members informing them of the nomination by the Fine Gael party of Mr. Paddy Curran to fill by co-option, the casual vacancy under section 19 of the Local Government Act 2001 and confirming that Mr. Curran consented to the nomination.

Councillor Neville welcomed former Councillor Stafford to the meeting and thanked him for his work on behalf of the Fine Gael party.

Councillor Kevin Duffy proposed Mr Paddy Curran to fill the vacancy. He informed the meeting that Mr. Curran had a strong background in community activity in Kildare Town.

Councillor Peggy O'Dwyer seconded the nomination of Mr. Curran.

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**Resolved** on the proposal of Councillor K Duffy seconded by Councillor P O'Dwyer and agreed by the members present that Mr Paddy Curran be co opted to fill the casual vacancy on the council following the resignation of Councillor Stafford.

The members welcomed Councillor Curran and wished him well in his new role. Councillor Curran thanked the members and informed them that he would work for the constituents of Kildare Newbridge. He thanked his family and friends for their support. He also thanked former Councillor Mark Stafford for his work on behalf of the Fine Gael party

**07/1023**

**Filling of Committee Vacancies**

The members considered the filling of the following committee vacancies.

- Transportation, Safety and Emergency Services SPC
- Protocol and Procedures Committee
- Audit Committee
- Kildare Town Heritage Company CLG

Councillor Neville proposed Councillor Curran to fill all of the committee vacancies.

This was seconded by Councillor T O'Dwyer.

**Resolved** on the proposal of Councillor Neville seconded by Councillor T O'Dwyer and agreed by the members present that Councillor Curran fill the vacancies on the committees listed above.

**08/1023**

**Witness Affixing of the Council Seal**

The members considered the nominations to witness affixing of the Council Seal.

**Resolved** on the proposal of Councillor Neville seconded by Councillor T O'Dwyer and with the agreement of the members that Councillor Curran be approved to witness affixing of the Council Seal.

**09/1022**

**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

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

The reports were noted.

### **10/1023**

#### **Quarterly Update on Climate Action**

The members considered the Quarterly Update on Climate Action.

Ms Higgins informed the meeting that a comprehensive report had been circulated to the members but drew their attention to the following items contained in the report.

The CARO continues to work in support of all 17 constituent local authorities of the Eastern and Midland Region in the implementation of their adaptation strategies.

Work to update the previously developed sectoral KPI relating to local authority climate resources is ongoing.

Reimagining Local Authority Fleet, 2030: Early Interventions report was finalised and issued, highlighting six early interventions under headings of Fleet Management, Behavioural Adjustments and Technological Solutions.

GAA Green Club Programme: Phase 2 of the Green Club Programme was officially launched on 4th March in Croke Park. Approximately 200 clubs will now take part in this phase of the programme which will run over 2023 and 2024. They are now sharing their learnings with other clubs. They are working on budgets and will be looking for sign off.

CODEMA will provide core services to the local authorities associated with the Mid East Energy unit. The unit will combine efforts to effect change utilising the SEAL's Pathfinder funding scheme to provide financial support for defined projects.

She complimented the climate action team for their work on Climate Action Day.

The Climate Action Office has streamlined consultation efforts with An Taisce who are developing a Low Carbon Community Plan for Maynooth (national example) under the Legacy 4 Life programme. Maynooth University, RPS Group (consultants) and various local actors are involved. The DZ Plan was adopted on 31 July to inform the Maynooth Local Area Plan (LAP) being compiled presently and Local Economic and Community Plan (LECP) and other policies. An Taisce held a public consultation event on the evening of the 28 September to gather the local community's preferred actions.

The draft Climate Action Plan is out for public consultation until 4pm, 3 November. Drop-in clinics are being held across the county to assist with queries and submissions. It is hoped to bring it forward for adoption by Full Council on 18th December 2023 to enable the plan to be published in January 2024, 2 months ahead of the statutory deadline set for publication.

She advised that CODEMA were seeking Pathfinder funding to insulate Athy and Naas pools.

Councillor Power asked that any funds collected under the Climate Action Fund be used for Green activities. Councillor Hamilton informed members that solid work had been carried out by the Climate Action team. They are providing support to the community. Members needed to support the Climate Action Plan. Councillor McEvoy advised members that both staff and members should look at it. Climate Action packs were available in the Climate Action Office. The report was noted.

### **11/1023**

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

Councillor Fitzpatrick informed the members of receipt of a request under the Ceremonial Functions and Civic Honours Protocol for a Vote of Congratulations to the Kildare LGFA and the team who are The Ladies Intermediate All Ireland Football Champions 2023 and were captained by Grace Clifford and managed by Diane

O'Hora. Also requested was a vote of congratulations to Kildare GAA and the team who are Mens Under 20 All Ireland Football Champions 2023 with joint captains Shane Farrell and Harry O'Neill and who are managed by Brian Flanagan.

The required notice to members had been circulated in advance and it was agreed by the members present in accordance with the protocol that letters be issued by the Meetings Administrator.

He congratulated Allenwood and particularly Johnny Doyle on winning the Intermediate County Title on the previous Sunday and Naas on winning the Senior County Title.

Councillor Fitpatrick confirmed he had attended the following events, National Women's Day, the signing of the Athy Flood Relief Contract and the Pride of Place awards in Newbridge. The Leas Cathaoirleach attended the inaugural Kildare Biodiversity Conference on 14<sup>th</sup> October and the National Women's Enterprise Day Kildare and Carlow 2023, in association with Network Ireland ,on the 19<sup>th</sup> October.

The Cathaoirleach referred to the members previous request for a Capital Programme Special meeting and proposed it would take place on Monday 27 November from 10.00 am to 12.00 midday. Also requested through agreement with CPG were two presentations prior to the council meeting on the 27<sup>th</sup>, from Kildare Growers and SIRO at 2.15 and 2.30 respectively. This was seconded by Councillor Feeney and agreed by members present.

## **12/1023**

### **Comhfhreagras/Correspondence**

The Meetings Administrator confirmed five items of correspondence had been circulated to the members along with the progress report. These included three motion referrals from other local authorities, one reply to correspondence issued and one circular from the Department of Housing Local Government and Heritage LG04-2023 - Increase to elected member annual remuneration.

The correspondence was noted.



### **13/1023**

#### **Conferences and Training**

The Meetings Administrator referred to the conference and training report which had been circulated to the members and recommended by the Corporate Policy Group and included the following.

AILG training on CARO-Local Authority Climate Action Plans, Webinar, 20 October 2023, No Cost

The LAMA Autumn Seminar, in the Ard Rí Hotel, Tuam, Co.Galway. 25-26 October  
Costs of €160 plus travel and subsistence. Councillors Brett and Caldwell had asked to attend.

**Resolved** on the proposal of Councillor Ó Cearúil seconded by Councillor Kelly and agreed by all, that the above requests as set out in the training and conference report be approved.

### **14/1023**

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

The members received a report from Councillor R Power, Chair of the Economic Development, Enterprise and Planning Strategic Policy Committee.

Councillor Power outlined the SPC work programme for 2023.

He gave details of the membership and vacancies.

He noted that Planning and Strategic Projects were supported by Mr A Dunney Director of Service and Economic, Community and Cultural Development was supported by Ms. M.Higgins, Director of Services.

He outlined the Kildare Industrial Area Improvement Scheme

In Quarter 2, 2023; a consultancy firm undertook evaluation of 4 KCC industrial sites.

A Contractor was procured to deliver minor works in these area.

A number of Feasibility Studies were undertaken in 2023 with a view to funding:

The following Key Events and Undertakings were arranged in 2023:

Pride of Premises Awards (March)

Economic forum (September)

IDA roundtable discussion (September)

County-wide roadshow for LEO and Economic Development supports and scheme (September)

Retail Series (October) and K-Hub Month (October)

The shop front scheme approved 69 applicants at a value of €161,308.25 and 12 Retail Window Approvals at a value of €3,878 to date.

The first meeting of the current Historical Monuments Advisory Committee (HMAC) took place on 4 July 2023.

On 13 October the HMAC was taken on a bus tour to key heritage sites in Kildare which included Clane Friary, Donaghcumper Church and Laraghbryan Church where conservation works are underway as a result of funding received in 2023.

The final meeting of 2023 at which a chairperson will be elected for the following 12 month period will take place on 13 December.

He informed the members of the SPC's role in Monitoring of National Planning Framework (NPF) & the Regional Spatial and Economic Strategy and monitoring the proposed Planning & Development Bill

A County Social Infrastructure Audit was carried out to inform all Local area plans

There are discussions ongoing with AIRO on foot of publication of Census 2022 data regarding further analysis

The Heritage, Conservation and Biodiversity Team are engaged in funding a significant number of projects across the county. He referred to the County Kildare Serviced Sites Scheme adopted by Full Council in May 2023.

Pilot schemes are being prepared for Clogherinka and Kildangan.

Site appraisals, including servicing etc underway to prepare draft site layouts.

Invitations for 'Expressions of Interest' were to be circulated for Clogherinka shortly.

Funding schemes such as Croí Cónaithe under review

Approaches from private landowners were also being considered.

He indicated that the site valuation was agricultural valuation plus 25%

He thanked Mr Eoghan Ryan for his work and welcomed Mr A Dunney.

Councillor Mc Loughlin Healy had 3 questions.

Was there a limit to the term that a person can serve on an SPC?

How was the valuation of agriculture plus 25% arrived at and asked who provided the valuation?

How were Clogherinka and Kildangan Sites selected for this Pilot?

Councillor Heavey asked how many sites were available how much would they cost and what services were provided?

The members made the following points:

This valuation might not be attractive to private landowners.

How are we going to deliver these. This is demand led not supply led, a mechanism needed to be delivered to provide a corrector.

Affordability was the key to this scheme.

In response to Councillor Mc Loughlin Healy on the length of time a person can serve on an SPC Ms Kavanagh said she would forward a copy of the SPC scheme to Councillor Mc Loughlin Healy. She was not aware that there was a limit as each scheme was for 5 years.

Mr Dunney advised that the valuation of sites was included in the circular, but he would need to check this. The vendor and purchaser would each provide their valuation of a site.

A serviced site would have access, electricity water and data services provided.

Croi Conaithe were being considered as a possible funding source.

The report was noted.

### **15/1023**

#### **Review of Suspension of Pay Parking over the Christmas Period**

The following motion in the names of Councillors Fintan Brett, Aidan Farrelly, Angela Feeney, Vanessa Liston, Pádraig McEvoy, Robert Power and Bob Quinn

That the council review the practice of suspending paid parking bye-laws during the Christmas period in order to be consistent with the Climate Act, the Climate Action Plan 2023, the draft Local Authority Climate Action Plan, and the council's policy objectives to enhance the percentages of people using the sustainable transport modes of walking, cycling and public transport.

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

A report from Ms C Barrett, A/Director of Service, Transport, Mobility and Open Spaces stated that the transport sector must reduce its emissions by 50% by 2030. This is an ambitious target and we need to consider all policy decisions in this light. Pay parking is an issue for the members to decide, however, we would ask that the climate targets be taken into consideration.

Councillor McEvoy informed the meeting that the council had to achieve its climate reduction targets by 2030. Local authorities providing free parking may give the perception that we are inconsistent with our climate action objectives.

Councillor Ó Cearúil said he couldn't support this motion as it was eroding the functions of the Municipal Districts.

Councillor Kelly advised that Naas Municipal District had already voted to suspend pay parking but reminded people there was no suitable public transport that allowed the public to get in and around Naas. Good public transport was needed to reduce dependence on cars.

Councillor Power explained that the motion was looking for consistency across Municipal Districts. It was asking that a review of the practice be carried out not that it be taken from MD's.

The members also made the following observations:

- There were unintended consequences of giving free parking.
- Local businesses needed to be supported.
- Each town within the County was different.

- The members were asking for a review, thus developing a framework on benefits to business. Good information was needed to help decision making.
- This was a concession and not a reserved function.
- There was confusion in the public mind over what was agreed on free parking.
- Each Municipal District should make their own decision based on Council Policies. They respected the autonomy of the Municipal Districts but decisions should be consistent with the objectives of the Council
- By allowing free parking, spaces were being blocked thus forcing drivers to drive around looking for free spaces adding to congestion and pollution.
- The climate Action Plan would be coming before the members in December 2023.

A vote was called for and with 25 voting in favour of the motion, 12 voting against and one abstention, the motion was carried.

**Resolved** on the proposal of Councillor McEvoy seconded by Councillor Brett with 25 voting in favour of the motion, 12 voting against and one abstention that the council review the practice of suspending paid parking bye-laws during the Christmas period in order to be consistent with the Climate Act, the Climate Action Plan 2023, the draft Local Authority Climate Action Plan, and the council's policy objectives to enhance the percentages of people using the sustainable transport modes of walking, cycling and public transport.

### **16/1023**

#### **Ongoing and Planned Communications with Dept Education**

The following motion in the names of Councillors Peter Hamilton, Íde Cussen, Daragh Fitzpatrick, Bernard Caldwell and Evie Sammon was considered by the members.

That the council prepare a report on any ongoing and planned regular liaison and communications with the Dept Education on school place planning for the growing population of County Kildare (supporting the County Development Plan objectives

SC O67 and O68), and any concrete land-use or other infrastructure and support planning that are being changed or updated since the approval of the County Development Plan.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that the Planning Department meet with the Department of Education on a quarterly basis, as provided for by the Memorandum of Understanding between the Department of Education and the City and County Managers Association (CCMA). Planned and proposed projects are discussed at these meetings. Reports on progress regarding these projects are available from the Department of Education website ([Major Project Updates](#)). Since the adoption of the County Development Plan 2023-2029, the Planning Department has liaised with the Department of Education through the Local Area Plan process specifically in relation to Kildare Town, Maynooth and Newbridge, in addition to discussing ongoing projects elsewhere throughout the county. Through the LAP process, additional lands may be designated for future schools where required.

Councillor Hamilton informed the meeting that a number of Councillors served on school boards and this was a difficult time. Parents were trying to find school places for their children and there are not enough spaces at national or at secondary school level to meet demand. He gave examples of where schools needed to extend or where new schools were needed had been promised, but were not delivered by the Department of Education. Councillors were the meat in the sandwich.

Members raised the following '

- Schools were needed across all MDs
- There is a lack of facilities in some schools
- Portacabins were being used and need to be replaced with permanent structures.

- Members were identifying suitable land through the LAP process.
- The Department of Education were responsible for this. There was a lack of information coming from them, they needed to update their website.
- The Department needed to meet the members and hear what they had to say.
- The members should have a representative at these meetings with the Department.

Mr Dunney informed the members that he would raise their concerns at the next meeting with the Department of Education.

**Resolved** on the proposal of Councillor Hamilton, seconded by Councillor Caldwell and agreed by the members present that the report be noted and that the Director of Services would inform the Department of Education at their next meeting of the members concerns about the provision of new schools, about capacity issues in existing schools and about the lack of information being provided by the Department on progress.

### **17/1023**

#### **Policy for Delivery of Mixed Housing Development**

The following motion in the names of Councillors Carmel Kelly and Suzanne Doyle was considered by the members.

That the council devise a policy to strengthen means of developing balanced socio economic communities through requirement for delivery of mixed housing development that meets the demand of all markets.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that the management of the future

location, typology and tenure of housing is a key function of the Kildare County Council Housing Strategy and Housing Need and Demand Assessment (HNDA) which was prepared to inform the Kildare County Development Plan 2023-2029 (published as Appendix 1). The HNDA provides an analysis of the demographic, economic and social inputs to inform Housing Demand across County Kildare over the County Development Plan period and beyond and addresses many issues associated with housing in the county, including housing need, improving social mix and catering for those with particular needs. The methodology for the preparation and formulation of this HNDA is based on Department of Housing Guidelines, informed by ESRI. The HNDA for County Kildare was prepared based on expert research and statistical analysis by AIRO (All-Island Research Observatory). The Kildare HNDA and Housing Strategy was approved by the Department of Housing, Planning and Local Government.

The HNDA considered the overall demand for housing (including social and affordable housing) in terms of the nature of housing required and the housing types etc. that will be necessary to provide housing for an inclusive and sustainable society.

The purpose of the HNDA is to assist Kildare County Council to develop long-term strategic goals to address housing need across all tenures; to provide a robust evidence base to support decisions about new housing supply, wider investment and housing related services that inform an overall national housing profile; to inform policies about the proportion of social and affordable housing required; provide evidence to inform policies related to the provision of specialist housing and housing related services.

The HNDA assessed Housing Market Drivers including but not limited to Population Trends, Population Density, Age Profile, Household Size, Household Composition, Headship Rates and Net Migration and the interaction and interdependencies between these and the associated stress factors. The HNDA also made provision for an assessment of the Housing Market in terms of Residential Property Sales (volume of transactions and the nature of these), property type and the mean



property price at that time. Consideration was also given to price variability in terms of its impact of housing demand in County Kildare. All of these contributors were then assessed in the context of the existing Employment/Labour Force and participation rates, commuting patterns and unemployment rates. Further assessments of Median Gross Income levels and Central Bank Rules and Affordability were undertaken which resulted in a series of conclusions on Key Housing Market Drivers which in turn inform the Housing Stock and Housing Need provision, both private and social, for the CDP plan period for County Kildare. The HNDA also addresses requirements for Specialist Provision, Housing for Older Persons and people with Disabilities, Homeless, Travellers and International Protection Applicants. The assessment also makes provision for Third level Students to ensure adequate and suitable accommodation is delivered.

The output from the HNDA is a series of policies and objectives in the KCDP, adopted in December 2022. Chapter 3 refers. Table 3.1 of the KCDP outlines appropriate densities for different settlement types across the county in accordance with the Ministerial Guidelines on Sustainable Residential Developments in Urban Areas. Circular NRUP 02/2021 provides clarity in relation to the interpretation and application of how residential densities are applied to towns and villages. This Circular is clear, that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level. This Circular also clarifies the application of the Sustainable Residential Development Guidelines to ensure that when carrying out their planning functions, Planning Authorities apply a graduated and responsive, tailored approach to the assessment of residential densities in peripheral locations and as they apply to towns of all sizes, to ensure that such places are developed in a sustainable and proportionate manner. The Circular further outlines that given the very broad variety of urban situations in Ireland, it is necessary for Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context. Section 3.10 "Mix of Dwelling Types" of the KCDP supports this approach and is clear in its intentions that

new residential developments provide a wide variety of housing types which reflect and cater for the diverse housing needs of the county's population.

The Member's attention is also drawn to the recently published Draft Ministerial Guidelines for Sustainable and Compact Settlements which address density ranges and outline that densities in rural towns should respond to the existing context. These draft Guidelines provide flexibility in terms of tailoring policy to local circumstances and provide a methodology to assist planning authorities in appropriately integrating national planning policy in relation to residential density into statutory development plans and in the assessment of individual planning applications. Flexibility is offered so that planning authorities can operate a plan led approach and take the circumstances of a plan area or a site into account as part of the decision-making process.

Recent examples of this include a new Serviced Site Scheme in the County Development Plan and a new site-specific objective to facilitate self-build/low density residential development in the Draft Local Area Plan for Kildare Town to address the requirement for varied housing types.

Councillor Doyle thanked the Director for the detailed report and talked about the drive for the delivery of housing and the work carried out through the LAPs to achieve this. She outlined that market forces are driving the delivery and we are using AIRO to deliver balanced densities. The purpose of this motion was to gather information to inform planning.

Councillor Killeen informed the meeting that Kildare County Council was at a disadvantage when it came to LPT funding because of the density of housing. She also advised that Strategic Housing Developments were problematic when trying to retain the balance.

Mr Dunney informed the meeting that AIRO had been asked to survey the density of population and type of housing in the 12 urban centres in Kildare. He recommended

that this motion be referred to the Planning and Economic Development SPC for consideration.

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Ó Cearúil that the motion be referred to the Planning and Economic Development SPC

### **18/1023**

#### **Amendment of Current Standing Orders for Council Meetings**

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

That Kildare County Council, recognising the importance and relevance of discussing matters pertaining to external organisations including but not limited to the National Transport Authority (NTA), various Government Departments, the Office of Public Works (OPW), and Uisce Eireann: (a) Acknowledge their significant impact on the lives of the citizens of Kildare. (b) Amend the current Standing Orders for the Regulation of Business and Proceedings at Meetings of the Council to remove the stipulation that motions must be directly related only to council functions. (c) Ensure that this amendment facilitates greater flexibility in addressing a broader range of issues that affect the community, reflecting the evolving role of local council. The motion was proposed by Councillor Pender and seconded by Councillor N Connolly.

A report from Mr E Ryan, Director of Service, Corporate, People and Cultural Services stated that Standing Orders for full council meetings were adopted by the members in March 2021. Standing Order no 10 relates to the order of business and provides that the order of business at all Meetings other than annual Meetings, Council Budget Meetings and special Meetings shall, subject to the provisions of any enactments, be as follows:

- I. Declarations of pecuniary or beneficial interests under section 177 of the Act

- II. Confirmation of the minutes of Council Meetings and noting of reports of progress in matters raised at previous meetings.
- III. Business prescribed by statute, Standing Orders, or resolutions of the council for transaction at such meeting, and reports or recommendations presented by or on behalf of the Chief Executive
- IV. Cathaoirleach's business
- V. Chief Executive's business
- VI. Correspondence
- VII. Reports and recommendations from municipal districts and/or committees
- VIII. Notices of motion on council functions

Standing orders for petitions to the Cathaoirleach were adopted by the Members in May 2021.

These Standing Orders set out the broad principles and the proceedings for Members to consider a Notice of Petition for the issuance of correspondence on behalf of the Members of Kildare County Council.

A Notice of Petition shall propose to address a matter of public interest or public policy which is exclusive of the mandate or the executive function of Kildare County Council, or the deliberation of a Citizens' Assembly, or an election, or a referendum.

A Notice of Petition shall propose that the Cathaoirleach correspond on a matter with a government minister, a government department, or a public authority to address a matter of a local, regional, or national concern. It is envisaged that a Notice of Petition will relate to the operation of government departments, the legislative powers of the Houses of the Oireachtas or be an issue of public policy.

Standing Orders remain in force from the date of their adoption until the Council shall decide by resolution to repeal them. Pending any such resolution, these orders may be amended by a resolution of the Council for which two-thirds of the Members of the Council vote in favour. For this purpose, two-thirds of the Membership shall be

determined by disregarding any fraction remaining after the calculation of two-thirds therefore any such amendment requires the support of at least 26 members.

Changes to standing orders should be referred to the Protocol and Procedures Committee for consideration and recommendation to full council in relation to precise wording. It should also be noted that where any matter comes before the members for consideration which is outside of the remit of the executive it will be a matter for the members to consider and will not be subject to a report by the executive.

Councillor Pender informed the meeting that they were bringing this motion forward as they believed that Standing Orders tended to restrict matters that impacted on their constituents. They were elected to represent their constituents and the actions of external bodies such as the National Transport Authority, The Department of Education, The Office of Public Works affect the people of Kildare. This motion was not about circumventing standing orders but about finding a balanced and effective solution.

Councillor Clear supported the motion and informed the meeting that when he had been advised that items were not a council function he had tried to deal with them but believed they should be dealt with in the council chamber.

The members raised the following points.

They had tried to raise issues but were prevented from doing so by standing orders. Standing orders were limiting councillors right to raise issues.

If non council matters were allowed on the agenda, there was a possibility that council business would not be dealt with on the day thus being carried forward to the next meeting.

Mr Ryan informed the members that Public Bodies deliver a wide range of services and there was a possibility that items on the agenda relating to these functions would get delayed. The Notice of Petition to the Cathaoirleach had been developed to deal with non council functions. It will be a matter for the members to decide.

Councillor Pender responded that non council items could be left to the end of the agenda.

A vote was called for and the Meetings Administrator informed the meeting that as this was a proposed change to Standing Orders it would require 26 votes in favour to carry the amendment to the standing orders.

Councillor McLoughlin Healy called for a roll call vote. This requires the support of 11 members as per standing orders. 3 members supported the call.

The Cathaoirleach took a vote by show of hands and with 13 members voting in favour, 19 members against and two abstentions the motion was defeated.

**Resolved** on the proposal of Councillor Pender, seconded by Councillor N Connolly with 13 members voting in favour, 19 members voting against and two abstentions the motion was defeated.

### **19/1023**

#### **Remunicipalisation of Domestic Waste Collection**

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

That Kildare County Council form a subcommittee to oversee the returning of Domestic Waste Collection to the responsibility of the Local Authority, either by direct service provision or the licensing of a single operator for each Municipal District, having due regard to the existing employees and the need to provide a standard service which ensures every home is provided with a collection service for glass and compost, along with the standard service of recyclable and general waste collection. Furthermore, that we write to the Minister for the Environment asking that he facilitate any changes to primary legislation that would assist the remunicipalisation of domestic waste collection.

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

A report from Ms M Higgins, Director of Services, Climate, Community, Environment and Water stated that as a means of introduction, the council did provide a domestic waste collection service up to 2011. It ceased to provide this service from this time for a number of reasons including:

- Escalating costs
- The involvement of the private sector had become significantly more embedded which was impinging on market share and feasibility.

Analysis and reports were presented to the elected members which were accepted. A particular factor related to the extent to which the council's customer base was comprised of waiver customers i.e., those who were receiving the service for free or at a reduced rate, this in turn created significant financial and operational difficulties.

Following a thorough review, the Council ceased providing this service and, in addition, entered into a concession contract for the operation of Sillot Hill (civic amenity site and transfer station) as well as the Athy facility. The culmination of these decisions resulted in the elimination of significant losses and the Council being in a better position to finance other valuable services. Transitional arrangements were also put in place in respect of the Council's then existing customers with the new service provider.

Realistically, it is not now practical to re-enter this market for a number of reasons:

- In the current competitive market, it would be particularly difficult to recapture market share in a meaningful way.
- The risk of a legal challenge to any legislation that seeks to implement such a change would be high
- There would be very significant costs (waste disposal, insurance, staffing, vehicles etc) involved which, in turn, would impinge on the council's ability to provide other key services.

More fundamentally, such change would also require significant change in Government policy which is unlikely to be forthcoming in light of the applicability of the EU Competition Directive. As matters stand, the majority of the county is served by a kerb-side collection which includes a recycling and organic element, supplemented by a network of bring/bottle banks and two Civic Amenity sites. The National Waste Permit Collection Office (NWPCO) require all operators to provide 3 bin types in line with current licensing requirements. Waste collection is carried out by private /commercial companies who contract with individual households and businesses and thereafter own the waste in terms of subsequent treatment.

Any company who is granted a waste collection permit by the National Waste Collection Permit Office (NWCPO), may compete in any waste market and any local authority administrative area authorised in that permit.

The Department of the Environment's national waste policy, A Waste Action Plan for a Circular Economy, indicates that the NWCPO might take on a broader role encompassing a number of initiatives to protect consumers' interests.

It is a matter for the elected members to agree to write to the Minister regarding changes to primary legislation.

Councillor N Connolly informed the meeting that a cross party committee had been established in the Oireachtas to examine this. What he was asking was that the council establish a subcommittee, the composition of which would be agreed, to look at the council setting up its own refuse collection service or to provide a licenced service on a municipal district level. This service would compete with existing service providers and provide brown bin services. The local authority providing this service would operate under strict criteria and would be good for environmental control.

The members made the following points.

Some were in favour of examining the proposal and the council providing the service either directly or using a contractor.

Local Property Tax should incorporate all collections this would reduce fly tipping.

Access to waste municipal sites was required particularly in North Kildare.



This would reduce our Carbon footprint with one service provider providing collections in each Municipal District.

This would provide uniformity of service.

Councillor Weld opposed the motion informing the members that when the council had provided a refuse collection service that councillors during budget deliberations had to find funding to support the provision of waivers for the service. This took funding from other services. Private companies were more efficient at providing this type of service.

The members made the following points.

This should be referred to the Environment SPC

The council should engage with service providers to see how they can improve their service.

Councillor Mc Loughlin Healy proposed the following amendment.

That the council form a subcommittee to assess the viability of domestic waste collection returning to the responsibility of the Local Authority, either by direct service provision or the licensing of a single operator for each Municipal District, having due regard to the existing employees and the need to provide a standard service which ensures every home is provided with a collection service for glass and compost, along with the standard service of recyclable and general waste collection.

Furthermore, that we write to the Minister for the Environment asking that he facilitate any changes to primary legislation that would assist the remunicipalisation of domestic waste collection.

This was seconded by Councillor Ó Cearúil.

Ms Kavanagh informed the members that they needed to consider how the council would access the market, what market share would we need to take, the impact of providing waivers, the capital and associated costs, what customers would come with the council etc. The members had received a report explaining why we had

made our decision and the members needed to consider this. This could be looked at by the SPC who could assess the market and determine the breakeven scenario.

Ms Higgins agreed with Ms Kavanagh and added that the council were focusing on Reduce Reuse. She also expressed concerns that there might be issues with EU competition laws.

The members considered the amendment proposed by Councillor McLoughlin Healy and seconded by Councillor Ó Cearúil.

With only 2 members voting in favour the amendment fell.

The members then voted on Councillor N Connolly's original motion.

That Kildare County Council form a subcommittee to oversee the returning of Domestic Waste Collection to the responsibility of the Local Authority, either by direct service provision or the licensing of a single operator for each Municipal District, having due regard to the existing employees and the need to provide a standard service which ensures every home is provided with a collection service for glass and compost, along with the standard service of recyclable and general waste collection. Furthermore, that we write to the Minister for the Environment asking that he facilitate any changes to primary legislation that would assist the remunicipalisation of domestic waste collection.

The Meetings Administrator confirmed that the required threshold to pass the motion in accordance with Section 51 of the Local Government Act 2001, as amended, was 21

With 9 members voting in favour and 25 voting against the motion fell.

**Resolved** on the proposal of Councillor N Connolly seconded by Councillor Clear with 9 members voting in favour of the motion and 25 voting against the motion fell.

**20/1023**

**Fourth Noise Action Plan**

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

That Kildare County Council commence the fourth Noise Action Plan to maintain a strategic approach to the managing environmental noise in accordance with the requirements of the European Communities Environmental Noise Requirements 2018.

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

A report from Ms C Barrett, A/Director of Service, Transport, Mobility and Open Spaces stated that the Noise Action Plan process commenced in 2022 and Kildare County Council has completed traffic data collection and supply of all GIS datasets for the mapping task. Additional information was required over previous rounds as this is the first round where a portion of Kildare administrative area (Celbridge/Leixlip Area) is being included in the assessment of the Dublin 'agglomeration', for the purposes of noise assessment.

A preliminary draft of that (agglomeration) mapping is available on the council website.

Once the above phase is finished, guidance on the content of the Fourth Round Noise Action Plan will issue from the EPA (currently being drafted). The process will continue with a tentative publication date of Kildare Noise Action Plan Round 4 in mid-2024.

Councilor P O'Dwyer informed the meeting that the Fourth Noise Action Plan follows on from the Third Noise Action Plan. Major roads were a source of noise and she highlighted the issues of Walshestown Park in Newbridge where the council were aware of the noise issue. The issue isn't the plan but funding the solution. What can be done about it.

Ms Barrett advised that the Fourth Noise Action Plan was being prepared by the EPA. This was a national plan and would be approved by the Government.

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

### **21/1023**

#### **Bus Stop Signs for Local Link 821**

The following motion in the name of Councillor Brendan Wyse was considered by the members.

That the council provide bus stop signs and the associated road markings, where none are currently present, at all stopping points for the Local Link 821 Newbridge to Sallins Train Station service in Milltown, Allen, Kilmeague, Robertstown, Allenwood, Coill Dubh, Prosperous, Caragh, Naas and Sallins.

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

A report from Ms C Barrett, A/Director of Service, Transport, Mobility and Open Spaces stated that the stopping locations for Local Link routes are agreed between Local Link and the National Transport Authority (NTA) in the first instance. The Council's Sustainable Transport Section staff then inspect the locations and make observations from a road safety point of view. The design of the stop infrastructure is undertaken by the NTA and their service providers. These designs are then sent to the Sustainable Transport Section for comment and approval. The NTA then arranges the procurement and installation by their contractor.

The process for Route 821 is at the design stage and the Council is awaiting the completion of designs by the NTA.

Councillor Wyse informed the members that Bus 821 served a number of towns in various municipal districts. There was a need for bus stops along the route to help tourists use the system. He asked if he could be put in touch with the NTA to see where they were at.

Ms Barrett said she would follow up the NTA but ultimately the responsibility lies with Local Link.

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

### **22/1023**

#### **Applications for the Croí Cónaithe Scheme**

The following motion in the name of Councillor Aoife Breslin was considered by the members.

That the council provide the number of applications for the Croí Cónaithe scheme submitted to Kildare County Council; the number of applications approved; the number of successful applications drawn down.

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

A report from Ms A Aspell, Director of Service, Housing and Regeneration stated that a total of 120 Croí Cónaithe applications have been received, of this number 81 applications have been approved, 6 grants have been paid and a further 2 are in the process of being paid.

Councillor Breslin thanked the director for the report and said the scheme had made a huge difference. It needed to be publicised more.

She inquired if the council would be in position to stage payments as this would make it easier for those availing of the scheme.

Ms Aspell informed Councillor Breslin that they had 120 applications. If staging payments were introduced this would require additional resources. She noted the Councillors comments. Feedback on the scheme was positive.

**Resolved** on the proposal of Councillor Breslin, seconded by Councillor Feeney and agreed by the members that the report be noted

### **23/1023**

#### **Amendment of Taking in Charge Policy**

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

That Kildare County Council amend their Taking in Charge Policy to include sending a letter to each homeowner upon completion of the taking in charge of an estate outlining the process and the implications to mixed estates where management fees may be in place.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that Kildare County Council's new Taking in Charge Policy was adopted in May of this year after extensive consultation. This included presentations to the Planning and Transportation SPC's, a separate presentation to all elected members and presenting the draft policy at Full Council.

The Development Control Section is maintaining a database of any comments / queries received on the policy in its first year of adoption. It is anticipated that a review of the policy will be undertaken mid next year (one year on from its adoption and commencement of its implementation). The suggestion put forward and the administrative implications associated with it will be assessed as part of this review process.

Councillor O'Dwyer informed the meeting that working with the estates where there was mixed development and management companies, could prove difficult as homeowners needed to be able to identify what parts of estates were taken in charge. It was also difficult for residents associations to establish what was taken in charge. She asked if details of this could be put online and then the council could add to this going forward.

Councillor Keatley informed the meeting that this could save the council money.

People contact Development Control looking for a letter.

Councillor Doyle advised that letters can get lost over time, but Eircode registration could be used to validate and would greatly assist in conveyancing.

Mr Dunney agreed that things needed to be done differently, Millbrook Estate will be put on line as part of a pilot and will be reviewed.

**Resolved** on the proposal of Councillor T O'Dwyer, seconded by Councillor McEvoy and agreed by the members that the report be noted, the suggestion put forward and the administrative implications associated with it, will be assessed as part of the review process.

### **24/1023**

#### **Suspension of Standing Orders**

On the proposal of Councillor McEvoy seconded by Councillor Ó Cearúil and agreed by all present that Standing Orders be suspended for 10 minutes to allow the meeting to be completed.

### **25/1023**

#### **Update from Kildare Local Enterprise I**

The following motion in the name of Councillor Joe Neville was considered by the members.

That this council receive a short update from Kildare LEO on the number of their associated offices/locations and their number of staff in the County.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that the LEO sits within Kildare County Council's Enterprise and Economic Development Department, and it is in the MERITS building at Aras Chill Dara. The staff comprises 13 persons with one vacancy (all of these people are based in the MERITS building):

- Head of Enterprise; 1.
- LEO; 8.
- Economic Development; 4 with one vacancy.

With respect to county-wide locations, the Enterprise and Economic Development Unit do not have any staff resources located across the county however the team is responsible for the implementation of County K Hub Strategy (2022-2025) as developed with the Enterprise and Planning SPC.

This strategy was developed and published as a response to the demand for such infrastructure county-wide (as identified in the Kildare Economic Strategy, Kildare 2025) with the council determining to intervene only where required and where the private market was not providing such business centres or hubs, i.e., the K-Hub Strategy directed that the council would not compete where private-owned hubs exist.

The Future Hub Planning component of the strategy notes the use of the Location Assessment Model and framework for defining the need and provision type as a policy and objectives scorecard is critical to future planning. The model is designed to help planners and development partners to ensure that their hub proposals are aligned with wider development policy and can play a positive and sustainable role in the future. The north of the County is home to the majority of hubs/ spaces, most of which are privately owned or a non-LA entity (i.e., MaynoothWorks, Maynooth's Digital Office Centre, the Business Barn at Leixlip, the Clane Project Centre, Osprey Business Centre and the Kildare Chamber Hub) while the south county had a deficit of such developments.



The strategy provides a clear framework for accommodating the diversity of the network and notes it will “address competitiveness and collaboration opportunities in a sectoral or geographic context and avoid duplication or displacement effects”. In order not to displace the efforts of the private and community-led hubs, Kildare County Council employed the approach to “recognise the need for viability and evidence-based demand in their hub planning. Guidance on the feasibility process and application of the assessment model criteria will form a central part of the decision to support future hub proposals or not”; this is compounded by ‘Strategic Objective 6’ whereby Kildare County Council will “create a robust methodology and system for assessing the need for intervention and investment by the public sector in future Hub provision - Location Assessment Model”.

This is evidenced in the current pipeline of (including proposed) hubs:

- **The Food, Beverage and Skills Innovation Hub, Athy**; the FBSI will be a regional centre of excellence and base for the Agri-Food industry to collaborate and foster new talent and ideas. Athy is designated as an area of extreme deprivation and an unemployment blackspot. As set out in the Athy Local Area Plan, it is the policy and ambition of Kildare County Council to support the development of Athy as the enterprise and employment hub for south Co. Kildare, to increase employment located within the town, to reduce rates of commuting and ensure new employment. The closure of Coca-Cola compounded job loss though, through its partnership with the Hub and Enterprise Ireland, its Thrive Programme is designed to accelerate the growth of small ambitious food companies. The 14 collaborating partners are committed under this banner to develop the Hub to tackle high unemployment rates and early school leaving among other challenges the town is facing.
- **Fashion and Textiles Design Hub, Monasterevin**; Kildare County Council procured a consultancy to undertake a feasibility study that noted Monasterevin as having a rich history in textile manufacturing and the industry occupied several of the then-purpose-built buildings in the town, now vacant. Companies still operating today are good employers in the town and the proposed occupants /entrepreneurs for the Hub will benefit from creating

products from excess material from industry thus introducing a circular economy dynamic in the town. The LAP supports the re-use and regeneration of vacant/ derelict buildings, local employment opportunities, protects built and natural heritage and supports tourism activity along the River Barrow

- **Craft, Creative and Design Hub, Kildare Town;** KCC procured a consultancy to undertake a feasibility study that noted the clear clustering opportunity for a County-wide cluster of crafters, creators and designers, notwithstanding the craft community in Kildare Town itself. The study also outlined the potential of leveraging the tourism focus on the neighbouring Kildare Village to benefit local entrepreneurs.

It is envisaged that the development of these hubs, in addition to the recently completed Equine Hub in The National Stud, will bring a broader balance to the spread and location of this type of infrastructure across the county.

Councillor Neville informed the meeting that he had put forward this motion because at a recent Enterprise event in the Springfield Hotel extra chairs had to be put out such was the level of interest. He believed that businesses and planning new ventures needed to be supported. He felt there was a lack of facilities in the north of the county and this could be addressed by holding monthly clinics in the north of the county. Councillor Killeen agreed there was a need for LEO and a customer service point in the north of the county.

Councillor Heavey enquired about a proposal for an Enterprise site in the Bord Na Mona site in Newbridge.

Councillor Ó Cearúil informed the members that while the North East was serviced by private companies, a drop in clinic once a month would help.

Mr Dunney said that LEO was the first stop for businesses. Visits to each of the 5 municipal districts would be helpful but they do run a lot of online events.

Mr Dunney informed the members that the council intervene only where required and where the private market was not providing business centres or hubs, i.e., the K-Hub Strategy adopted by the members directed that the council would not compete where private-owned hubs exist.

He was not aware of the Newbridge plan and would have to check that out.

Councillor Neville informed the meeting that this was a request for outreach in North Kildare.

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

### **26/1023**

#### **Purchase of a Larger Pop Up Pool for the County**

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

That the council commit to purchasing a larger pop up pool for the County considering the significant financial saving and accessibility for numerous residents of Kildare following the successful trial of the Swim Ireland Pop Up Pool in Leixlip and taking into account that the North Kildare Pool appeal is likely to be unsuccessful

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

A report from Ms M Higgins, Director of Services, Climate, Community, Environment and Water stated that Kildare County Council are currently in discussion with Swim Ireland with a view to advancing a solution for North Kildare.

Councillor Killeen informed the meeting that 5790 people had used the pop up pool, proving that there was a demand for the pool. She wanted a larger pop up pool. This would be a valuable interim measure while awaiting the permanent pool. Councillor Galvin commended the motion stating that this was the most successful uptake of a pop up pool. She suggested that the pool should be purchased.

Councillor Farrelly said the pop up pool provided the evidence to support the need for a swimming pool for North Kildare. A permanent pool was required.

Ms Higgins informed the meeting that she heard what the members were saying and had met with Swim Ireland to look at what they had to offer and was looking at other innovations. They were meeting with specialists in the area. Accessibility is important.

Councillor Killeen thanked Ms Higgins for the report.

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

The meeting concluded.