

**KILDARE COUNTY COUNCIL**

**Minutes of meeting of Full Council held at 3:00 p.m.**

**Monday 26 June 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, Í Cussen, K Duffy, T Durkan, A Farrelly, A Feeney, C. Galvin, P Hamilton, N Heavey, C Kelly, N Killeen, M Leigh, P McEvoy, J Neville, P O'Dwyer, T O'Dwyer, B Quinn, M Stafford, P Ward, B Weld and B Wyse.

**On Line** Councillors, B Dooley, V. Liston, I. Keatley, N Ó Cearúil, F McLoughlin Healy, S Moore and R. Power

**Apologies:** Councillors S Doyle, C. Pender and E. Sammon.

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

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

**01/0623**

**Bereavements**

The Cathaoirleach extended his sympathy to the family of the late Ann Nolan, mother of Lorraine Kennedy, Community Section.

Carmel Crowe, mother of Colette Crowe, Finance Section.

A minute's silence was observed.

### **02/0623**

#### **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. Councillor McEvoy informed the meeting that he had a conflict of interest with item 15 Councillor Suzanne Doyle's motion and he would absent himself while this was being debated.

### **03/0623**

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

The council considered the draft minutes of the monthly meeting held on the 29 May 2023 together with the progress report.

The Cathaoirleach informed the meeting that he had received an email that morning from Councillor Mc Loughlin Healy in relation to changes she wanted made to the draft minutes. He read Standing Order 11 re notice to the Meetings Administrator of requests for amendment. As this had been received after the deadline set out in Standing Orders he could not accept the request. Councillor McLoughlin Healy informed the meeting that she believed she had submitted them on time to former Cathaoirleach Brett but as there was no wifi they did not transmit on time and she said she got no response.

Councillor Mc Loughlin Healy proposed a suspension of Standing Orders. She explained that observations that she had made and questions she had asked on valuation of the land for sale were not recorded in the minutes. This was a very important matter. This was seconded by Councillor Heavey.

The Meetings Administrator advised that two thirds of the members present (32) would have to vote in favour of the suspension of standing orders for it to be carried.

With 3 voting in favour of the proposal the two thirds quota was not reached therefore the proposal to suspend standing orders fell

**Resolved** on the proposal of Councillor McEvoy seconded by Councillor Weld and agreed by a majority of the members present that the draft minutes of the monthly meeting on 29 May 2023 be adopted.

The progress report was noted.

**04/0623**

**Chief Executive's Monthly Management Report**

The members noted the Chief Executives monthly management report.

**05/0623**

**Gnó an Cathaoirleach/Cathaoirleachs Business**

Councillor Fitzpatrick informed the members that the council Chamber would be closed for renovation for the month of July and a venue needed to be agreed for the 31 July meeting of the Council. He proposed that the meeting be held via Microsoft teams. This was seconded by Councillor A Connolly and agreed by the members.

**06/0623**

**Comhfhreagras/Correspondence**

The Meetings Administrator confirmed two items of correspondence had been circulated to the members along with the progress report. These included an acknowledgement from the office of Minister Daragh O'Brien on the motion referral from Cllr Farrelly and one motion referral from Wicklow County Council.

The correspondence was noted.

**07/0623**

**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. She sought retrospective approval for the attendance of Councillors N. Connolly, B. Clear and P. McEvoy at the AILG training event, Climate Action Plan

2023: Implications for City and County Development Plans in Mullingar on the 15 June

Approval was also sought for Councillor Moore and Councillor Mc Loughlin Healy to attend an in person training event, Understanding Financial Governance, Financial Reports and Information, organised by the IPA, at their headquarters in Ballsbridge, Dublin 4, taking place on 6 July 2023 from 10.00-15.00

Approval was sought under the support for further education scheme for Councillor Wyse to undertake a BA in Local Studies in Maynooth University. The maximum contribution by the council was €820. While this is a 4 year course approval could only be given for 1 year to the end of the current council term.

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

### **08/0623**

#### **Climate Action Strategic Policy Committee**

The members received a report from the Chair of the Climate Action Strategic Policy Committee Councillor Bill Clear.

Councillor Clear informed the members that the last meeting of the SPC took place on 10 May 2023. Two presentations were given. The first was by Teagasc on the Signpost programme. Teagasc is setting up a targeted advisory programme to support climate and sustainability actions on farms. This was followed by a presentation on the approved Climate Action SPC workplan and an overview of the Local Authority Climate Action Plan and Decarbonization Zone.

The next meeting is scheduled for 13 September.

He outlined progress on the workplan to date and on the Decarbonising Plan for Maynooth and the actions that were taking place. He advised of the following:

- The Climate Action Office is streamlining consultation efforts with An Taisce who are developing a Low Carbon Community Plan (LCP) for Maynooth

- The work is being undertaken in combination with Maynooth University (MU), RPS Group (consultants) and various local actors.
- The Baseline Emissions Inventory (BEI) is now complete and Carbon Calculator prototype is being advanced rapidly by M.U Terrian AI team. Master Students from the Business School, MU undertook surveys with business and agricultural stakeholders in Maynooth and their final report were made available 25 May
- On 4 May targeted consultation with the agri/land use sector was undertaken, followed by the business sector on the 17 May and rest of society on 24 May. Climate Action are working with Maynooth Community Council who had their Picnic in the Park fun event was held on 18 June in Harbour Field. This was an opportunity to provide informal citizen engagement through the Arts including use of the Future Tapestries VR piece, the carbon calculator, and traditional stands to encourage accessible interaction across the demographic spectrum.
- It is expected the DZ Plan will be made available for adoption in July to inform the Maynooth LAP (Local Area Plan) being compiled presently

He informed the members that Phase 2 of the Green Club Programme was officially launched. 200 clubs will now take part in the testing of 5 Thematic Area Toolkits. This will assist clubs in completing projects under the 5 themes of Energy, Waste, Water, Biodiversity, and travel,

He informed the members that a communication has been issued by DECC to local authorities regarding Strand 1 of the Climate Action Fund which is to be administered by LAs. Sanction has also been provided for LAs to recruit a Community Climate Action Programme officer (Level 6) to administer the fund.

A total of €24 million is being provided to local authorities to partner communities, large and small, rural and urban within their areas of operation to build low carbon communities in a considered and structured way. The SPC will be advocating for the council to bring forward projects for this fund.

He informed the members that the positions of Community Climate Action Officer, Climate Action Officer and Energy Efficiency Officer had been filled.

Victoria Kavanagh: Community Climate Action Officer

Mary Morrissey: Climate Action Officer and

Paddy Lynch: Energy Efficiency Officer

The report was noted.

### **09/0623**

#### **Kildare County Council Flag Policy**

The members considered a recommendation from the Protocol and Procedures Committee to amend section 4 of the Kildare County Council Flag Policy to allow for the automatic flying of the national flag at half mast on the day of the funeral of a Councillor or member of staff who has died in service.

**Resolved** on the proposal of Councillor Neville, seconded by Councillor Farrelly and agreed by the members that the changes to the flag policy be adopted.

The Cathaoirleach asked that Items 10 and 11 be taken together. The members agreed.

### **10/0623**

#### **Retained Fire Fighters**

The following motion in the names of Councillor Ciara Galvin, Angela Feeney and Aoife Breslin was considered by the members.

In recognition of the critically important local services our retained fire fighters provide to the communities we represent; we call on the Minister for Housing, Local Government and Heritage and the Minister for Public Expenditure to provide the funding necessary to sustain and enhance the Retained Fire Service - including the pay and conditions of employment for firefighters - now, and for future generations".

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

**11/0623**

**Retained Fire Fighters**

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

That Kildare County Council write to the Minister for Housing, Heritage and Local Government asking him to bring forward meaningful proposals as a matter of urgency to address the recruitment and retention crisis in the retained fire service throughout the Country.

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

A report from Mr. A. Dunney, Director of Service Planning, Enterprise, Economic Development and Emergency Services stated that this is a matter for the members to agree.

Councillor Galvin informed the meeting that this was about recruitment and retention of retained fire fighters. She talked about the important and difficult work that they carry out. When on call they have to be within 5 minutes of the station. They were finding it difficult to plan annual leave. The Industrial Action had been suspended pending a hearing by the Labour Court. She asked that they receive the pay and conditions that their work deserved.

**Resolved** on the proposal of Councillor Galvin and seconded by Councillor Breslin and agreed by all that a letter issue to the Minister for Housing, Local Government and Heritage and the Minister for Public Expenditure, calling on them, to provide the funding necessary to sustain and enhance the Retained Fire Service - including the pay and conditions of employment for firefighters - now, and for future generations.

Councillor N Connolly informed the meeting that the retained fire fighters did not want to be taking industrial action. They had to remain within a 2.5 Km radius of the station when on call. They regularly missed out on family events. For this they were paid €8,696 per annum. This was about retention and recruitment of retained firefighters. This was a Health and Safety issue. He called on the government to

bring forward a package for the service to include increased remuneration and better conditions for retained firefighters.

**Resolved** on the proposal of Councillor N. Connolly, seconded by Councillor Breslin and agreed by the members that a letter issue to the Minister for Housing, Heritage and Local Government asking him to bring forward meaningful proposals as a matter of urgency to address the recruitment and retention crisis in the retained fire service throughout the Country.

### **12/0623**

#### **Citizen Science**

The following motion in the names of Councillor Vanessa Liston and Íde Cussen was considered by the members.

That the council develop a policy for supporting, enabling and engaging with Citizen Science, as a means of enhancing both public engagement in policy, and building a local evidence base for climate, environment, transport, planning and other policy development.

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

A report from Ms M Higgins, Director of Service, Climate, Community, Environment and Water stated that Citizen science projects are recognised for their importance in connecting people with science in a manner that is participant-led, informal, and community-based.

There are a wealth of initiatives ongoing that support active participation in areas such as water, air, waste and biodiversity. Initiatives undertaken by the National Biodiversity Data Centre, Birdwatch Ireland or the Irish Wildlife Trust for example, would be mostly familiar as they strive to gather data on species and habitats. Success factors for such Climate Science initiatives can be attributed to a number of elements including;

- Carefully defined objective(s) and purpose for gathering of data/information.
- Validation and verification of data and information

- Required expertise to manage project outcomes, validate data/information, harmonise with proven or recommended methodologies.
- Infrastructure to support gathering, cataloguing and sharing of data/information.
- Forward contribution of findings/outcomes to inform policy, decision making processes or justification for spend of public money.

Conversely, considerations can contribute to undermining the integrity of the climate science initiatives and these can be attributed to;

- Lack of dedicated expertise to manage the initiative, stand over quality and reliability of data/information.
- Ill-defined objectives or unjustified purpose for initiative.
- Inconsistency with application or interpretation of data/information
- Failure to sustain required funding and infrastructure to catalogue, keep and use data/information.

It was important that Kildare engage with existing Citizen Science initiatives ensuring their success through active contribution, learning, sharing and using the information that is gathered. This utilises the existing and established infrastructure, expertise and funding without the need for duplication.

Where considered appropriate and necessary to pursue a localised endeavour Kildare could emulate the model of Citizen Science to work in place of, or in parallel with, other collaboration, consultation and deliberative models to engage stakeholders in the development of local policy. This could be particularly beneficial where deficiencies in data or information is found that cannot be addressed by other sources. In the right circumstances, Kildare County Council would be open to including Citizen Science as an additional mechanism and methodology to gather local level data/information and encourage participation and engagement in policy development.

The Transport, Mobility and Open Spaces Directorate actively encourages engagement by members of the public in its consultation processes. As part of Area Based Transport Assessments (ABTA), citizens were surveyed on their experiences in using public transport and walking and cycling infrastructure. The data obtained in these forms a critical part of the ABTA process. The Directorate will continue to

explore opportunities where Citizen Science may be utilised to better inform our decision making processes.

Councillor Liston welcomed the positive report and informed the meeting that Citizens Science provided opportunities for citizens to contribute to council decision making. She referenced Dr Joseph Roche and how he encouraged the use of Citizens Science to inform decision making.

The members raised the following points.

This should be used to better inform council decision making.

Look at how National University Galway was engaging with local authorities.

In the UK they had identified a 66% decline in hedgerows using Citizens Science

The council hadn't engaged when dealing with air and water quality.

It is an important method of gathering baseline data.

Birdwatch Ireland had used this to check variations in bird population.

It was important to bring in more actors to validate information from Citizens Science.

It was an interesting area particularly with Climate Action and should be considered by the SPC.

**Resolved** on the proposal of Councillor Liston, seconded by Councillor Cussen that the report be noted.

### **13/0623**

#### **Designated Beekeeper**

The following motion in the names of Councillor Mark Leigh and Anne Breen was considered by the members.

That the council retain a designated beekeeper in each municipal district to assist estates taken in charge with the swarming and colonisation of bees during the swarming season May to August.

The motion was proposed by Councillor Leigh and seconded by Councillor Breen  
A report from Mr A Dunney, Director of Service, Planning, Enterprise, Economic Development and Emergency Services stated that the service requested is outside of the remit of Kildare County Council. It is however, provided by a collective association of beekeepers across the country that collaborate and operate through

the [www.swarms.ie](http://www.swarms.ie) website. This facility quickly connects the person reporting a bee swarm to available and local beekeepers in as timely a fashion as possible. This resource could be promoted through local community groups, resident associations and tidy towns committees.

Councillor Leigh explained that this motion came about as a result of a call he had received from a member of the public about bee swarming.

Councillor Breen explained she had a similar request from residents of Bishop Rogan Park who had experienced a similar situation. Bees swarmed from May to August.

Mr Dunney informed the meeting that he would circulate contact details to all members and perhaps the service requested could be funded from LPT.

Councillor Leigh informed the meeting that he would put forward a proposal for 2024 LPT funding.

**Resolved** on the proposal of Councillor Leigh, seconded by Councillor Breen and agreed by the members present that the report be noted. Mr Dunney would circulate details of bee keepers website to all members.

### 14/0623

#### **Personal Identification on Planning Observation Submissions**

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

That Kildare County Council planning section does not accept observations on planning applications unless a verified form of personal identification is provided when the observation is being submitted.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that there is no requirement to look for any personnel identification when receiving submissions and these can be submitted by hand, by post or electronically.

Provision for the receipt of submissions / observations are facilitated through Article 29 of the Planning and Development Regulations 2001 (as Amended)

Any submissions / observations are acknowledged through Registered post to the address of the submitter.

In the past this has served as a safety net where invalid submissions have been weeded out of the process.

Article 29.

(1) Any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in relation to a planning application within the period of 5 weeks beginning on the date of receipt by the authority of the application.

Any submission or observation received shall—  
state the name of the person or body making the submission or observation, and indicate the address to which any correspondence relating to the application should be sent.

(2) Subject to article 26, the planning authority shall acknowledge any submissions or observations as soon as may be after receipt in the form set out at Form No. 3 of Schedule 3, or a form substantially to the like effect

(3) Where a submission or observation, under this article, is received by the planning authority after the period of 5 weeks beginning on the date of receipt of the application, the planning authority shall return to the person or body concerned the submission or observation received and the fee and notify the person or body that their submission or observation cannot be considered by the planning authority.

(4) Where the planning authority so consents, a submission or observation under sub-article (1) may be made in electronic form.

Councillor Keatley thanked the Director for the report. There are impending changes to the legislation. Objections and observations need to be validated.

Councillor Weld informed the meeting that an objection had been sent in his name but it was not sent by him. This was disturbing to say the least.

The members raised the following:

Spurious and vexatious observations have been sent in

What was the payment method used?

It was not who was objecting but what they were objecting too.

If there was a concern about validity perhaps a peace commissioner witnessing the submission could be considered.

It was important when members quoted examples of spurious observations that they could validate the information.

Mr Dunney informed the meeting that any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in relation to a planning application within the period of 5 weeks beginning on the date of receipt by the authority of the application.

These were acknowledged by Registered Post

The Planning and Development Act was under review.

**Resolved** on the proposal of Councillor Keatley seconded by Councillor Weld and agreed by the members present that the report was noted.

### 15/0623

#### **Power Supply to Unauthorized Developments**

The following motion in the name of Councillor Fintan Brett was considered by the members.

That Kildare County Council write to the ESB to ask them their position/policy on providing a power supply to unauthorized developments.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that subject to the members

agreement, Kildare County Council will write to the ESB to ask them to confirm their position on this matter.

Councillor Brett informed the meeting that the ESB appeared to be providing supply to Unauthorised Developments. They did not appear to be implementing the guide to planning.

It was pointed out by Councillor Killeen that if there was an annex to a house it was a matter of using the existing supply and it was quite legal.

He suggested that a confirmation of planning and a letter of compliance should be included in the application.

Councillor Stafford advised that the MPRN number unlocks other services.

Mr Dunney informed the meeting that he would issue the letter as requested.

**Resolved** on the proposal of Councillor Brett, seconded by Councillor Durkan and agreed by members that a letter issue to the ESB to ask them their position/policy on providing a power supply to unauthorized developments.

### **16/0623**

#### **Derelict Buildings in the County**

A motion in the name of Councillor Suzanne Doyle was listed on the agenda.

As Councillor Doyle was absent from the meeting and had not given authorisation to another member to raise her motion it was removed from the agenda.

### **17/0623**

#### **Mandatory Accessibility Requirements**

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

That the council set out the mandatory accessibility requirements and or the provisions set in statute in respect of accessibility standards for public transport and public infrastructure projects, to include the planning, design and construction of

cycle lanes, bus islands, pedestrian cross walks, pedestrian footpaths and pedestrian shared spaces.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that with regard to accessibility requirements, the Council and their service providers design schemes to comply with the Disability Act 2005 and the United Nations Convention of the Rights of Persons with Disabilities. The Council also takes cognisance of guidance documentation produced by the Department of Transport, Transport Infrastructure Ireland, National Transport Authority, National Disability Authority including the National Cycle Manual, the Traffic Signs Manual, Building for Everyone, and the Design Manual for Urban Roads and Streets.

In order to maximise usage and accessibility for all ages and abilities, Greenway and Blueway design caters for both pedestrians and cyclists and will be constructed in accordance with Transport Infrastructure Ireland's Rural Cycleway Design Standard, with any section through an urban area constructed to urban standards – Design Manual for Urban Streets.

For major public transport schemes, there are additional standards and guidance that are used including the UNECE (United Nations Economic Commission for Europe) Regulation 107, IS EN:17219 (Functional Requirements), Part M: Access and Use of the Building Regulations and Technical Standards for Interoperability of People with Reduced Mobility (TSI PRM).

Councillor Farrelly informed the meeting that following his research he believed that there were no standards and as a result it was really restrictive for wheelchair users. He asked if it was possible to bring this to the Transport SPC or to bring wheelchair users to meet the SPC.

Ms Barrett informed Councillor Farrelly that in order to get funding the council have to show compliance with all regulations. Most projects require NTA approval.

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

**18/0623**

**Car Parks Managed by APCOA**

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

That the council outline all off street car parks managed by APCOA on its behalf and ensure that these car parks are clearly identified as being in the charge of Kildare County Council.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that the following car parks are managed by APCOA on behalf of Kildare County Council:

**Athy:-** Catherine McCauley car park, Church Road car park, Meeting Lane car park, Emily Square car park, Back Square car park, Edmund Rice Square car park, Barrow View car park, Augustus Bridge car park.

**Kildare Town:-** Top Nolan's car park.

**Newbridge:-** GAA car park.

**Naas:-** New Row car park, Fairgreen car park, Abbey Street car park, Hederman's car park, Friary Road car park (Lease expires July 2023).

**Celbridge:-** Clane Road car park.

**Leixlip:-** Arthur Guinness Square car park.

**Maynooth:-** Kildare County Council car park (Straffan Road car park).

**Kilcock:-** Fairgreen car park, The Square car park, Kildare County Council car park (Harbour Street) (Lease expires September 2023).

All Kildare County Council car parks are clearly marked with large signs indicating Kildare County Council, the enforcement times and parking charges applicable to the car park.

Councillor P O'Dwyer informed the meeting that this motion came about as a result of her experience of using a private on street car park in Newbridge which was managed by APCOA. She said it was difficult to distinguish between Private and Council parking spaces and that signage needed to be improved.

Councillor Clear supported the motion and suggested that the Council talk to APCOA

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

### 19/0623

#### **Extension of Dart Plus to Sallins and Newbridge**

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

That Kildare County Council write to the NTA to request that Dart Plus be extended to Sallins and Newbridge given that the results of Census 2022 shows that the population of Kildare grew by 11% to 247,774, which means the number of people in the county rose by 25,270 between April 2016 and April 2022.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that the Greater Dublin Area Transport Strategy (2022-2042) was approved by the Minister for Transport and published in early 2023. The Strategy sets out under Measure RAIL3 that the NTA and Irish Rail will, over the lifetime of the Strategy, extend the DART to deliver electrified rail services to Sallins/Naas.

Writing to the NTA on the topic is a matter for the members.

Councillor Clear informed the meeting that there was significant population growth in Kildare and he would appreciate if a letter could issue to the NTA. Councillor Durkan supported this.

**Resolved** on the proposal of Councillor Clear, seconded by Councillor Durkan and agreed by the members that a letter issue to the NTA to request that Dart Plus be extended to Sallins and Newbridge given that the results of Census 2022 shows that the population of Kildare grew by 11% to 247,774, which means the number of people in the county rose by 25,270 between April 2016 and April 2022.

**20/0623**

### **Updated Survey of Hedgerows**

The following motion in the name of Councillor Pádraig McEvoy was considered by the members.

That the council summarises the updated survey of hedgerows and makes a submission to the public consultation on Environmental Impact Assessment (Agriculture) Regulations towards policy coherence for hedgerow conservation in zoned lands and transitional areas under development pressure, and in particular, to address hedgerow removal prior to planning applications.

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

A report from Mr A Dunney, Director of Service, Planning, Enterprise, Economic Development and Emergency Services stated that the Kildare Hedgerow Survey 2022 was funded by the Heritage Council and will be made available on the Council website shortly.

The Kildare Hedgerow Survey was carried out during the months of July and August 2022 on hedges previously surveyed in 2006. The aim and intent were to assess these hedges over a decade on to review the state of hedgerows in the county. The methodology used during surveying has been set out by Foulkes et al. (2012) in the Hedgerow Appraisal Survey (HAS) methodology. The objective of the methodology is to record the extent (i.e. quantitative survey), and floristic composition, context, physical structure, condition, and management of hedgerows (i.e. qualitative survey) in any given locality, County or region of Ireland using a semi-random sample selection.

The total length of hedgerows recorded in the 2022 survey within the 18 1km grid squares sampled was approximately 114.3km. In 2006 the same area contained 121.2km of hedgerow. This indicates that 9.6km of hedgerow has been removed over a 16-year period. This represents an annual removal rate 0.5% of Kildare's hedgerows per year since 2006. Much higher than an EPA estimate of between 0.16% and 0.3%.

Agriculture was responsible for over 41% of hedgerow removal since 2006. Conifer afforestation was also responsible for 41% of hedgerow removal/loss. Road and

residential development were the next leading contributors to hedgerow removal at 11%.

18.6% of hedges were classified as species-rich for woody shrubs in 2022. The average number of shrub species per 30m strip was 2.96 (2.45 for native species only). This is below that of 2006, when an average of 3.62 species were recorded in sampled hedges. 12.4% of hedges contained only 1 species, this is an increase from 2006 when only 6% of hedges had only one woody shrub species. These results point to less diverse hedges overall. Hedges with less than 4 species were more common in 2022 when compared with 2006.

26% of the hedges where trees were recorded had just one tree species in 2022, in comparison to where 31% had only one tree species. Hedges in 2022 were more likely to have three or more tree species in the canopy than in 2006. Pointing to an overall, but slight, increase in tree species diversity. This will be significant in Kildare's hedgerows as Ash trees occurred in half of the hedgerows surveyed. The prevalence of Ash Dieback diseases is therefore likely to have a proportionally larger impact on Kildare's hedgerows given the high percentage of Ash trees they contain. In terms of species diversity in hedgerows, nutrient-loving, fast-growing species like Nettle (77%) and Cleaver (62%) often dominated hedge ground flora, to the detriment of other species. Common hedgerow species such as Foxglove (1%), Woundwort (7%) and Speedwell (11%) were only present in low numbers. The average number of target herbs per 30m strip was 1.4. For comparison, the average number of target herbs in Monaghan hedges (found in the HAS carried out last year) was 2.42 species.

The most common land use type adjacent to the Kildare hedges surveyed was improved grassland, with a 6% increase since 2006. An increase in arable land was also noted (+7%). Semi-natural grasslands were only noted in 7% of the fields next to hedges in 2022, a reduction of 8%. 19.2% of hedgerows did not link to other semi-natural habitats. These results would indicate that the fragmentation of hedgerow networks in County Kildare is an issue that needs to be considered in any biodiversity strategy for the county.

Complete hedges were much more common in 2006 and made up 41% of the sampled hedges. Only 11% of hedges were noted as complete in 2022. Hedges were also more likely to have >50% gaps with a 10% increase since 2006. The

majority (72%) of sampled hedges showed some degree of translucence (openness) in the lowest 1m of growth. 23% were classed as being open / translucent, up 15% from 2006.

11% of hedges were recorded as remnant hedges, which is defined as the remains of what used to be a hedge having no consistent profile. This is an increase of 6% since 2006. A remnant hedge is generally indicated by a (broken) line of mature or senescent plants in tree, rather than shrub form. Almost invariably it has a high percentage of gaps, although it may have bits of shrubby growth (including Brambles) along its length. Once the remains of a hedge covers <25% of the boundary, it is no longer classified as a remnant hedge and instead is classified as relict. 12% of hedges were classified as relict, double that of 2006.

Approximately 37.9% of hedges in the baseline survey can be classed as highly significant or Heritage Hedgerows in 1 category. 26.1% of hedges scored as highly significant due to their historical context. While 4.3% were found to be significant due to their species diversity. Only 1.2% of hedges scored highly significant based on structure, construction and associated features. Another 8.1% of hedges were significant hedges based on their habitat connectivity value or landscape significance.

88.2% of hedges fell into the category of unfavourable based on criteria which assessed structure, continuity and several other unfavourable indicators. Meaning only 13% of hedges were found to be in favourable condition.

62% of hedges with tillage as the adjacent land use were classified as nutrient-rich and 52% of hedges with agricultural grassland as their adjacent habitat were nutrient-rich. The second most common reason was the percentage of gaps. Around 17% of hedges scored unfavourably due to the fact that >10% of woody growth volume comprised unfavourable species e.g., Sycamore, Beech and Snowberry. The Heritage Unit will make a submission to the public consultation on Environmental Impact Assessment (Agriculture).'

Councillor McEvoy informed the meeting of the important role that hedgerows filled in supporting wildlife and their importance to Eco Systems providing shelter to pollinators. preventing soil erosion and helping to sequester carbon. Replacement hedgerow planting will have minimal benefits for years to come.

Hedgerows will play an important role as climate change becomes an existential challenge for air, soil and water quality, and food production.

He informed about the work of the IFA and talked about a recent visit by Councillors and officials to a family farm at Clondown, Monasterevin; where the owner Mr Byrne indicated the importance of his ambition to increase hedgerow planting and his aspirations for the farming sector to up-scale their positive environmental achievements.

The Department of Agriculture, Food and the Marine will review the Environmental Impact Assessment (Agriculture) Regulations around the need to screen and assess proposals for removing hedgerows and other “land improvement” works.

The Heritage Council and Kildare County Council completed surveys of hedgerows in Kildare in 2006 and 2022. Given the summary results, he asked that both surveys be supplied to the department to represent the outcome of implementing current regulations.

In addition to the Chief Executive’s submission, he asked the Council to petition the Department of Agriculture, Food and the Marine to consider the need for policy coherence for conserving hedgerows with climate action and the regulations for planning and development.

Members made the following points

They supported the motion.

They highlighted where hedges were removed as part of development.

They called for guidelines.

Hedgerow week took place in May, Training on managing hedgerows should be provided.

The meeting was informed that of the 379 EIA Screening Applications nationally for hedge removal and land improvements, between 2017 and 2023, 320 were approved. Proposals were for the removal of 112 kilometres of hedgerows within 2,067 hectares of land. Of these, only 2 applications were reported for County Kildare. The report on the motion today indicates that 9.6 km of hedgerows were removed over a 16-year period.

In the submission, would it be possible to identify what resources are allocated to promoting and assessing applications for removals?

Mr Dunney referred the members to Chapter 12 of the County Development Plan which dealt with Biodiversity and Green Infrastructure. He also informed the members that the Biodiversity Team with the new Biodiversity Officer would be preparing the submission.

**Resolved** on the proposal of Councillor McEvoy, seconded by Councillor Leigh and agreed by the members that the report be noted and that the council will make a submission to the public consultation on Environmental Impact Assessment (Agriculture).

### **21/0623**

#### **Follow-on Low-Carbon Communities**

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

That the council initiate the process to identify follow-on low-carbon communities in the Climate Action Plan, to identify communities to follow rapidly what is learnt in the Decarbonising Zone, and also further innovative initiatives to support the rapid progress required in emissions reduction towards the 2030 targets.

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

A report from Ms M Higgins, Director of Service, Climate, Community, Environment and Water stated that Maynooth has been the town selected as the candidate Decarbonising Zone for Kildare in line with the Circular LGSM01-2021 issued by the Department of Housing, Local Government and Heritage to all Local Authority Chief Executives on 10<sup>th</sup> February 2021 and work continues to develop the plan for Maynooth DZ as a component of the LA climate action plan. In parallel with this, projects and partnerships are also being pursued to maximise collaborative efforts to deliver on climate objectives for the area into the future.

By its conceptual design the DZ is a demonstration and test bed of what is possible for decarbonisation and climate action at the local level in Maynooth that also works to support and realise national climate ambition. In this context, the Maynooth DZ and all other DZs selected by Local Authorities across the country, assume a role in supporting accelerated learning for other areas, plan and design multiple interventions and innovations to confront climate challenges, and glean a greater understanding of the scale of the challenge and opportunities that exist in decarbonising the economy and wider society.

Given that Maynooth is in its early phase of development and positioning as a DZ, it is envisaged that learnings and projects are replicated and scaled up in other areas as they advance. To ensure that this perpetual cycle is promoted, the Kildare Climate Action Plan can commit by way of an action to exploring other areas where projects can be replicated or pursued further from the measures undertaken in the DZ. This will also help cultivate greater stakeholder buy-in and climate ambition in those other locations.

Councillor Hamilton informed the meeting that there needed to be a sense of urgency about how we follow on from our first Decarbonising Zone (DZ). The council will miss our targets. The council has spent 5 years on one DZ. Key Learning needed to be applied to other towns within the county. Temperatures are forecast to continue to rise to 2060. This will result in further climate change. Resources in the area are tight but the staff are dedicated and they have been marshalling activities. Sustainable development is everybody's job.

The Climate Action Plan had to be completed by February 2024

The members made the following points.

Community groups are putting in the effort.

The ground is being prepared, resources need to be put in place.

Clear objectives needed to be set,

Leadership needed to be shown by the Chief Executive and Directors

**Resolved** on the proposal of Councillor Hamilton, seconded by Councillor N. Connolly and agreed by the members that the report be noted.

**22/0623**

**Level 6 Horticulture Apprenticeship**

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

That Kildare County Council work with Solas to trial the new Level 6 Horticulture Apprenticeship for the academic year 2023/2024 or shortly afterwards to facilitate the training and development of bespoke skill sets for parks, recreation, open space and allotments.

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

A report from Mr E Ryan, Director of Services, Corporate, People and Cultural Services stated that Solas have indicated that the Horticulture Apprenticeship scheme is not due to be launched until next year. We will engage with them and the relevant bodies when it is launched to ascertain its feasibility which will include the training and the budgetary requirements to run the scheme.

Councillor Killeen welcomed the report and the support from the members for the motion but said that she was told recently that the scheme was read to go. She believed this was an innovative way to educate the future workforce.

Mr Ryan said this would be checked with Solas and that we would have to see what is required and how it would operate.

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

**23/0623**

**Managers Orders**

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

That the council clarify the grounds on which it refuses to send Managers Orders to councillors when requested and in particular why it refuses to send them to elected members who cannot for whatever reason, attend a plenary council meeting.

The motion was proposed by Councillor McLoughlin Healy and seconded by Councillor Heavey.

A report from Mr E Ryan, Director of Services, Corporate, People and Cultural Services stated that Section 151 of the Local Government Act 2001 as amended deals with the matter of the Chief Executive acting by signed order.

Section 3 provides that every Chief Executive shall keep, in respect of each local authority for which he or she is Chief Executive a register in which is entered a copy of every order made by him or her in accordance with this section for such local authority.

Section 4 provides that at every meeting of a local authority, there shall be available for inspection by the elected council so much of the register referred to in subsection (3) as contains any orders made by the Chief Executive since the last previous meeting of the local authority.

At every meeting of Kildare County Council an extract from the register with details of orders signed by the Chief Executive for the previous month have been brought to the meeting and are available for inspection by members. The orders for July and August of every year are brought to the September meetings. During the pandemic when meetings were being held online members will recall that after staff, press and public left the online meeting the relevant extract was shown on screen for members who wished to view it. Since the return to in person meetings of Council the register has been available for viewing at the meeting in the chamber each month. With the move to full integrated hybrid meetings later in the year arrangements around the operation of the meetings will need to be considered by the Protocol and Procedures committee.

Section 151 paragraph 5 states as follows

(5) Any member of a local authority is entitled on request to be furnished by the Chief Executive for the local authority with a copy of a particular order made by the Chief Executive.

Where a member seeks a copy of a particular order this will be dealt with by the relevant section and the Director or SEO responsible for these records.

Councillor McLoughlin Healy enquired if there were any legal guidelines preventing the council from circulating the Orders. She believed there was no impediment to

the circulation of these orders. She advised that other councils did this. She then stated that a motion passed and agreed by the members in 2019 was buried in the Protocol Committee

Mr Ryan advised that during the pandemic when meetings were being held online members will recall that after staff, press and public left the online meeting the relevant extract was shown on screen for members who wished to view it. Since the return to in person meetings of Council the register has been available for viewing at the meeting in the chamber each month. Councillor McLoughlin Healy said that there was nothing to preclude the council from circulating the orders. Councillors had a right to see the orders. The council was obsessed with secrecy. The council was just doing the bare minimum. Legal clarity was required.

Councillor McEvoy on a point of order informed the meeting that standing orders prohibit imputing motive to others and that the members of the Protocol Committee rejected the allegations that they in any way delayed the implementation of webcasting.

Councillor Mc Loughlin Healy stated that under Standing Orders the proposer had the last word on their motion and asked why Councillor McEvoy was allowed speak after her. Councillor McEvoy informed the councillor that as he was clarifying under a Point of Order he was entitled speak to correct the inference about the work of the Protocol Committee

**Resolved** on the proposal of Councillor McLoughlin Healy, seconded by Councillor Heavey and agreed by the members that the report be noted.

The meeting concluded.