

**KILDARE COUNTY COUNCIL**

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

**Monday 29 May 2023 in the Council Chamber**

**Áras Chill Dara, Devoy Park, Naas, Co Kildare.**

**Members Present:** Councillor F Brett(Cathaoirleach), Councillors VL Behan, A Breen, A Breslin, B Caldwell, B Clear, M Coleman, A Connolly, N Connolly, Í Cussen, S Doyle, K Duffy, T Durkan, A Farrelly, A Feeney, D Fitzpatrick, C. Galvin, 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, R Power, M Stafford, P Ward, B Weld and B Wyse.

**On Line** Councillors F McLoughlin Healy, B Dooley, C Pender.

**Apologies:** Councillor 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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Members were present in the chamber for a briefing from the NTA in advance of the Council meeting. Prior to the normal commencement time for the Council meeting, on the proposal of Councillor Ó Cearúil seconded by Councillor Weld and agreed by all present, standing orders were suspended initially for 15 minutes.

On the proposal of Councillor Moore seconded by Councillor McEvoy and agreed by all present standing orders were then suspended for another 30 minutes

On the proposal of Councillor McEvoy seconded by Councillor Kelly and agreed by all present standing orders were suspended for a further 10 minutes

The suspension was to allow the briefing by the NTA to conclude.

The Council meeting commenced at 4.00 pm following a 5 minute break.

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

### **01/0523**

#### **Bereavements**

The Cathaoirleach extended his sympathy to the family of the late: Patrick Howard, father of Patrick (Paddy) Howard, Newbridge Machinery Yard

A minute's silence was observed.

### **02/0523**

#### **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.

### **03/0523**

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

The council considered the draft minutes of the monthly meeting held on the 24 April 2023 together with the progress report.

**Resolved** on the proposal of Councillor McEvoy seconded by Councillor Ó Cearúil and agreed by a majority of the members present that the minutes of the monthly meeting on 24 April 2023 be adopted. Cllr. McLoughlin Healy abstained.

The progress report was noted.

### **04/0523**

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

The members noted the Chief Executives monthly management report.

### **05/0523**

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

This item was deferred to the June monthly meeting as the nomination from the relevant party had not yet been officially confirmed.

**06/0523**

**Committees' Vacancies**

This item was deferred to the June monthly meeting pending filling of the casual vacancy.

**07/0523**

**Housing Strategic Policy Committee Report**

The Cathaoirleach proposed with the agreement of the members to take item 16 on the agenda at this point as Cllr. Weld had to leave the meeting.

The members received a report from the Chair of the Housing Strategic Policy Committee Councillor Brendan Weld. Councillor Weld informed the members of the membership of the committee and the key policy areas in the work programme. He stated the committee had met 4 times in 2022 and twice in 2023

He outlined their work programme for 2022-2023 as follows

- Housing for All
- Social and Affordable Housing Supply
- Addressing Vacancy
- Housing Delivery Action Plan
- Homelessness
- Housing Provision for Persons with a Disability
- Traveller Accommodation Programme
- Climate Change.
- Anti Social Behaviour Strategy
- Allocation Scheme Social Housing
- Tenant Support Scheme
- Ukraine • Liffey Lodge Rest Centre is up and running and operated by The Peter McVerry Trust. The Refurbishment Scheme is operational.

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

The report was noted.

**08/0523**

**Section 183 Disposal of Land**

The members considered the disposal of a strip of land area 0.46 acres (0.19 hectares), at Barrogstown, Maynooth, Co. Kildare (Statutory notice 16 May circulated previously), pursuant to Section 183 of the Local Government Act 2001, as amended.

Councillor Anne Connolly informed the meeting that while she had no interest in the sale, the purchaser was known to her and she excused herself from the meeting.

The Cathaoirleach confirmed the members had received the statutory notice setting out the details of the proposed agreements.

Councillor McLoughlin Healy enquired why there was a second valuation and who was liable for this cost. She also sought clarification on a barn that appeared to run through the site and enquired when it was built. She proposed that another valuation be sought or that the council go to the Minister for consent to sell at a lower rate.

Ms Aspell advised that this was a historic case and only came to light following probate. The family had been using the land since the 1940s, it was not in a town, it was a rural area.

The Cathaoirleach called for a vote to be taken.

**Resolved** on the proposal of Councillor Durkan seconded by Councillor Ó Cearúil with 2 members voting against, 3 members abstaining and the remaining members present of which there were 26 in favour, that that the disposal of a strip of land area 0.46 acres (0.19 hectares), at Barrogstown, Maynooth, Co. Kildare be approved.

**09/0523**

**Kildare Fáilte Presentation**

The Cathaoirleach welcomed Ms Aine Mangan, Chief Executive Officer of Into Kildare, Mr David Mongey Chairperson, Anne O’Keeffe Hon Secretary and Brian Fallon Hon Treasurer

Ms Mangan gave a presentation to the members highlighting the achievements and activities through out the past year.

She talked about the activities around the Brigid 1500 celebrations and the amount of coverage received on social media, TV and Radio and about the Taoiseach doing a TV piece for the event.

She talked about the strategic importance of tourism and activities that had taken place to promote Kildare tourism and to support those in the tourism industry in Kildare. She outlined the strategic activities planned for 2023.

Mr Mongey talked about the vision for Kildare and said he believed the number of visitors that came to Kildare was far higher than those quoted in the official returns. He thanked the members and business community for the goodwill that they showed. He also praised the work of the Board of Directors and stated that his ambition was that Kildare would be a top 5 destination in Ireland.

Cathaoirleach Brett thanked Kildare Failte for their work and informed the meeting that when he had accompanied them to London, their day had started at 7.30 am and finished late that night. A lot of hard work was going on to promote Kildare and he wished them well.

### **10/0523**

#### **Audit Committee Annual Report 2022**

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

- She could find little detail on Governance and Risk within the Report. There was a mention of it on Page 4
- She also raised the issue of the Property Interest Register and enquired if it was close to completion. She said the report was silent on property owned by the council.
- She also stated that it would be helpful if Dr Ryan could explain what an unmodified report meant. Has it ever been modified? What do the figures tell us?

Councillor McEvoy enquired as to how NOAC feedback is incorporated into the work of the Audit Committee.

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

- He stated he was a member of 3 other Audit Committees and the same process applied in each.
- The Audit Committee is an independent body and this distinguishes it from the main financial audit carried out.
- The template used is standard across the public service.
- The Property Interest Register is considered at every meeting and the Committee are happy with progress. There is no completion date yet.
- The Audit Committee look at the NOAC report and compare the headings. Kildare are in the top 3.

Councillor McLoughlin Healy stated that she does not agree that it adequately informs members re risk and councillors are not allowed contact him directly.

The Cathaoirleach thanked Dr Ryan for attending the meeting and thanked both him and the Audit Committee members for their continued work in this important area.

The Audit Committee Annual Report 2022 was noted.

### **11/0523**

#### **Draft Annual Report 2022**

The members considered the 2022 draft Annual Report, including the Annual Service Delivery Plan 2022 progress report and the Corporate Plan progress report for 2022.

**Resolved** on the proposal of Councillor McEvoy , seconded by Councillor Feeney and agreed by the majority of members present, the draft 2022 Annual Report including the Annual Service Delivery Plan 2022 Progress Report and the Corporate Plan progress report for 2022, was approved.

**12/0523**

**Draft Serviced Sites Scheme 2023-2029**

The members considered the draft Serviced Sites Scheme 2023-2029.

Councillor Power informed the members that a briefing had taken place on the 4 May. The scheme supported housing development and also supported communities facing sustainability issues. The adoption of the policy will not be used as a reason for refusal of planning permission.

The members asked that the scheme be reviewed as it was rolled out.

Ms Granville agreed that they would come back to the members 6 months after the first scheme(s) were up and running. Mr Dunney advised that it was important to get the scheme up and running.

**Resolved** on the proposal of Councillor Moore seconded by Councillor Duffy and agreed by the members present that the draft Serviced Sites Scheme 2023-2029 be approved.

**13/0523**

**Appointment of external nominees to the Climate Action SPC**

The members considered the report that had been circulated in relation to the appointment of external nominees from the PPN to fill the vacancies that currently exist on the Climate Action SPC in the Community/Voluntary seat previously occupied by Ms. Judith Browne and the Environment/Conservation seat previously occupied by Ms. Ursula King. It was confirmed this has also been considered by CPG.

Ms. Louise Rawlins Traynor was nominated to fill the PPN Community/Voluntary seat and Mr. Nathan Flaherty was nominated to fill the PPN Environment/Conservation seat.

**Resolved** on the proposal of Councillor Clear, seconded by Councillor Hamilton and agreed by the members present that the nominations from the PPN be accepted and that Ms. Louise Rawlins Traynor and Mr. Nathan Flaherty be appointed to the Climate Action Strategic Policy Committee.

**14/0523**

**Draft Taking in Charge Policy and Specification**

The members considered the Draft Taking in Charge Policy and Specification.

It was confirmed that the members had attended a workshop earlier in the day in relation to this policy.

The following amendments were proposed and read by the Meetings Administrator  
Councillor McEvoy proposed that Eircodes be included in the information to be provided by the applicant. This was seconded by Councillor Feeney

Councillor T O'Dwyer proposed an amendment to item 1.5 to include that "boundary walls are dealt on a case by case basis". This was seconded by Councillor Duffy

Councillor Stafford proposed an amendment to 1.6 to read "Road Sweeping and Cleaning services (including the clearing of debris from the roadside gullies) as required in consultation with the relevant Municipal District Office, of the principle routes within the residential development.". This was seconded by Councillor Durkan.

**Resolved** on the proposal of Councillor T O'Dwyer seconded by Councillor Feeney and agreed by the members present that the Draft Taking in Charge Policy and Specification with the amendments outlined above, be approved.

**15/0523**

**Gnó an Cathaoirleach/Cathaoirleachs Business**

The Cathaoirleach firstly congratulated Councillor Naoise Ó Cearúil and his wife Ali on their recent marriage.

He confirmed he attended the following events since the council had last met:

19 May Decade of Commemoration

23 May Leas Cathaoirleach Neville deputised for him at the Pride of Place Awards

25 May he attended Newbridge Fest and attended a concert given by Music Generation

25 May he attended an Age Friendly Event

26 May he attended Africa Day.

He also wished Ms V Cooke well on her retirement.



He reminded members that the Annual Meeting was on Friday 23 June at 3.00pm

The Cathoirleach advised members that the chamber would be out of use from the 6-13 June and also for the entire month of July and August due to upgrade works in connection with the AV system. Arrangements are to be agreed for Council and MD meetings in this period to be held online or at alternative locations.

### **16/0523**

#### **Comhfhreagras/Correspondence**

The Meetings Administrator confirmed nine items of correspondence had been circulated to the members along with the progress report. These included a reply from the NTA re Bus Routes 120 & 126, a Local Government Circular on training events for elected members, six motion referrals from other local authorities and an item of correspondence from Senator V. Boyhan re Pre-Legislative Scrutiny of the Draft Planning & Development Bill.

The correspondence was noted.

### **17/0523**

#### **Conferences and Training**

The Meetings Administrator referred to the conference and training report and the Draft Training and Development Programme for Elected Members which had been circulated in advance of the meeting and had been recommended by the Corporate Policy Group.

The members were asked to approve the attendance of Councillor Moore and Councillor Kelly at the previously approved OPR- Climate Action Plan 2023: Implications for City and County Development Plans, taking place in Mullingar Park Hotel on 15 June, the cost per delegate was €80 plus travel and subsistence.

They were also asked to approve the Draft Training and Development Programme for Elected Members 2023

**Resolved** on the proposal of Councillor Caldwell seconded by Councillor Breslin and agreed by the members that the Draft Training and Development Programme for

Elected Members 2023 and the attendance of members at training as outlined above be approved.

**18/0523**

**Removal of ban on pets in AHB Rental Accommodation**

The following motion in the names of Councillors Aoife Breslin, Mark Leigh, Ciara Galvin, Anne Breen and Angela Feeney was considered by the members.

That Kildare County Council calls on Approved Housing Bodies operating in the county to end the ban on pets being allowed in rented accommodation and that a common sense approach be taken.

The motion was proposed by Councillor Breslin and seconded by Councillor Behan. A report from Ms A Aspell Director of Services, Housing and Corporate Services stated that it is recommended that the members write to the Irish Council for Social Housing on this matter. In the meantime, the Housing Department will correspond with the principal AHBs providing social housing in Kildare to enquire about their specific policies, the responses received will be collated and provided to the Members.

Councillor Breslin informed the meeting that she was happy with the report and explained that pets play an important role in peoples lives. She asked that members be kept informed of progress.

Members advised that they had heard of tenants refusing housing because they were not allowed bring their pets and asked what was the council's function in this. Ms Aspell informed the members that the tenants for these developments come from the councils housing list.

**Resolved** on the proposal of Councillor Breslin seconded by Councillor Behan and agreed by the members that a letter issue to to the Irish Council for Social Housing on this matter.

**19/0523**

**Designated Bathing Areas in Kildare**

The following motion in the name of Councillors Evie Sammon and Tracey O' Dwyer was considered by the members.

That the council outlines which lakes and rivers in Kildare are designated bathing waters and outline how new designated bathing areas are identified.

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

A report from Ms M Higgins, Director of Services, Climate, Community, Environment and Water stated that there are no designated bathing areas in Kildare. Currently, Kildare County Council are looking for submissions from the public to identify Designated Bathing Areas. Submissions must be made on or before Friday June 9<sup>th</sup> by email to [ksp@kildarecoco.ie](mailto:ksp@kildarecoco.ie) There is strict criteria in relation to designating a public bathing area and the following should be considered when making a submission:

- How your swimming area has been used up to now
- How many people use the site
- What facilities (e.g. signage, parking, toilets etc.) exist at the site and how accessible is it
- Safety issues.
- Water quality

Councillor T O'Dwyer said she did not remember getting an email about the designated bathing areas. She asked if a press release could be issued on the scheme informing the public.

Ms Higgins agreed but advised that there was strict criteria applied by the IPA when designating areas.

**Resolved** on the proposal of Councillor T O'Dwyer, seconded by Councillor P O'Dwyer and agreed by the members that the report be noted and that the a press release be issued informing the public of the closing date for making submissions.

## 20/0523

### Vacant Housing Report

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

That the council amend the Vacant Housing Report to include data for each vacant unit showing the date it became vacant and date it was reallocated, using a system that would take cognisance of the fact that addresses wouldn't be made public.

The motion was proposed by Councillor Cussen and seconded by Councillor Caldwell

A report from Ms A Aspell, Director of Services, Housing and Regeneration stated that the Vacant House report has been considered by the Housing SPC on a number of occasions, and the format of report is that agreed by the Housing SPC. In addition to the information provided at Municipal District level the Housing SPC is provided with a list of properties which are vacant for a period of 1 or more years. The current Vacant House Report indicates a vacancy rate of 2.2%, while the report provided to the SPC in February 2023 indicates that 0.7% of houses are vacant for a period of more than one year.

The council is required to report annually on the vacancy period, the results of which are published in the NOAC Annual Performance Indicator Report.

The Members recently received a detailed presentation from the Maintenance Engineer regarding the process for the turnaround of vacant houses, this presentation provided an insight into the time taken and the cost of reletting properties.

If the Members have concerns about particular houses, please contact the Maintenance Team.

Councillor Cussen informed the members that the only method she has of finding out if a house is vacant is when a neighbour of the vacant property advises her. She needed the detail of vacant properties. She asked that the request go back to the Housing SPC to be reconsidered

Ms Aspell informed the meeting that this had been considered by the Housing SPC a number of times. Senior Housing Staff could be contacted to ascertain if a property was vacant. The vacancy rate for council properties was 0.6%. The Housing SPC members were informed of the detail. The Vacant House Report provided was recommended by the SPC to secure vacant properties. Councillor Cussen asked for it to be referred to the Housing SPC.

A vote was called for with 25 voting in favour and 3 abstaining.

**Resolved** on the proposal of Councillor Cussen, seconded by Councillor Caldwell with 25 voting in favour and 3 abstaining it was agreed that the motion be referred to the Housing SPC for consideration.

### **21/0523**

#### **Removal of Vegetation from Town Centres**

The following motion in the name of Councillor Seamie Moore was considered by the members.

That Kildare County Council, Environment and Roads Sections should not use Climate Action and Bio-Diversity Policies as a reason for not removing annual vegetations of all types from town centre pavements, hard surfaces and public realm areas as neglect to do so is lowering good all-round environmental management standards, promoting an image of indifference and neglect and generally undermining the valuable public support of keeping a clean community.

The motion was proposed by Councillor Moore and seconded by Councillor McEvoy. A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that Kildare County Council have been requested by the elected members to reduce the use of pesticides particularly glyphosate due to the negative effects on public health and biodiversity being highlighted by their use. The consequence of this is that to control these, mechanical or organic methods have to be used. These do not provide the same level of control and regrowth is faster. The methods are also more resource heavy and it is not possible to dedicate more resources to correct this. Therefore, it is a matter for the members whether they wish to continue with the environmentally friendly approach or to return to the level of pesticide use that has been implemented previously.

Councillor Moore informed the meeting that he was not asking that the council go back to using glyphosate. He was asking that the footpaths be kept clear of weeds and footpaths repointed where necessary.

The members raised the following.

- 52% of living species were in decline.

- Verges should be made as Bio diversity friendly as possible.
- It might be necessary to reconsider areas of priority and allow for use of some type of inhibitor on main thoroughfares.
- Vegetation needed to be removed by hand, if spray is used on hard surfaces the run off goes into the groundwater.
- It needed to be explained to the public that public spaces look different to preserve biodiversity.

Councillor Moore was unhappy with the report. He stated that the council should not be depending on Tidy Town groups to clear vegetation. Glyphosate is not the only solution. Streets must be presentable. The council were not contributing to the solution.

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

### **22/0523**

#### **Homeless Services Assessment**

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

That Kildare County Council write to the Minister for Housing calling for the introduction of legislation to support the assessment of the best interests of children when making decisions about homeless services.

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

A report from Ms A Aspell, Director of Services, Housing and Regeneration stated that the decision to write to the Minister for Housing, Local Government and Heritage is matter for the Members to decide upon.

Pathway Two of Housing for All outlines the government's objective for the eradication of homelessness, the increase in social housing provision and the promotion of social inclusion. A number of specific objectives relating to families and children are identified in the plan:

- The provision of homes to households at risk of or experiencing homelessness.
- Targeted prevention and early intervention services for families and children at risk of homelessness.
- The provision of supports to families and children in emergency accommodation to secure pathways out of homelessness.
- Enhanced tenancy sustainment support for families and children in long term homelessness
- Provision of Homeless HAP to prevent homelessness or assist families experiencing homelessness.
- Building on the child and family supports and coordination provided through Tusla, and Children and Young People's Services Committees (CYPSC) and through targeted initiatives, such as that provided through the National Childcare Scheme which supports homeless households with children to access childcare services.

The objectives of Housing for All are being implemented by the Housing Department. The best interests of children are considered when homeless assessments are being carried out and homeless placements are being made. The following is the response of the council to the prevention of family homelessness and to assist those who are experiencing homelessness:

- Implementation of the Tenant in Situ scheme.
- Provision of the HAP Placefinder Service.
- Provision of the Tenancy Sustainment Service and Homeless Support Service.
- Provision of Family Hub accommodation.
- Use of the priority clauses of the Allocation Scheme for Social Housing.
- Multi agency collaboration through the Homeless Action Team.

Councillor Farrelly thanked the Director for the comprehensive report. He informed the meeting that 3,500 children were not in a home at present. This presented child protection issues. Children and young people needed a home.

**Resolved** on the proposal of Councillor Farrelly seconded by Councillor Killeen and agreed by the members present that a letter issue to the Minister for Housing calling for the introduction of legislation to support the assessment of the best interests of children when making decisions about homeless services.

**23/0523**

**Fan Zones in Kildare**

The following motion in the name of Councillor Kevin Duffy was considered by the members.

That the council explore the option to establish three Fan Zones for the upcoming FIFA Women's World Cup and Rugby World Cup to support our women's and men's national teams, encourage participation in sport and generate economic opportunities for the area.

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

A report from Ms M Higgins, Director of Services, Climate, Community, Environment and Water stated that the development of Fan Zones allows communities to feel part of sporting events. The scale, logistics and time required to organise such events requires significant staffing and resources. While the Sports Partnership and Community team realise the benefits of Fan Zone areas, it is more suited to event management companies in conjunction with the associated National Governing Bodies to develop and promote.

Councillor Duffy thanked the Director for the report. He acknowledged this was a big ask. Having fan zones would recognise the achievement of the Women's Soccer team in reaching the FIFA World Cup finals. This would also promote gender equality and influence future generations. There would be substantial benefits to the local economy in areas where these were set up. He would like to think that something could be done.

Ms Higgins advised that the Sports Partnership support women in sport across all age groups. Events such as these would have to be marshalled and there would be serious Health and Safety and insurance considerations.



Councillor Breslin suggested that Athy Town promoters might be consulted as they had experience of this type of event.

Councillor Duffy thanked Councillor Breslin for the offer and advised that he might bring this request offline. His intention was to acknowledge the significance of the achievement of the Irish women's team reaching the World cup finals and to support the national team.

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

### **24/0523**

#### **Vacant Married Quarters in County Kildare**

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

That Kildare County Council write to the Department of Defence or relevant body seeking the use of the recently identified 62 vacant married quarters sited in County Kildare and that the council seek to enter into a lease or licencing agreement bringing those properties into immediate use as interim or long term accommodation for families in Kildare and that funding is sought from the Department of Housing to fund same.

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

A report from Ms A Aspell, Director of Services, Housing and Regeneration stated that this motion relates to a broader policy issue regarding accommodation provided by the Department of Defence / Defence Forces for their personnel and their families. The accommodation is located on a working army base. The use of these properties is a matter for the Department of Defence/ Defence Forces and is not a matter for the local authority.

Councillor Pender stated that this was called taking a proactive approach. The dwellings were idle and unused. He wanted the council to engage in dialogue with the Department of Defence

Ms Aspell referred again to the report as given.

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

### **25/0523**

#### **National Bike Week**

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

That the council provide a report outlining where funding was spent for bike week 2023 and commit to properly highlighting and advertising Bike Week to councillors, Kildare residents and particularly bike groups and clubs, at least a month in advance of the week, similar to Biodiversity Week where all councillors are contacted by email, signage erected and all media used, including social media, to promote the day seriously.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that National Bike Week is a celebration and promotion of the benefits of cycling, which ran from 13-21 May 2023 under the auspices of Transport for Ireland. Events organised by Kildare County Council for Bike Week were held throughout the County with a concentration on school related activities. All events were outlined on the Council's website and advertised locally in conjunction with the national campaign.

Expenditure to date on Bike Week 2023 is €5,291.78 as follows:

Advertising: €1,623.60; Hi-Viz Clothing: €1,454.60; Refreshments: €700.00; Bike Repairs: €150.00; Display Stand: €1,993.58

Councillor Clear informed the meeting that Councillors needed to see what was going on. He advised that increased use of bicycles contributed to decarbonising zones. Things can be carried out differently and in a better way. He asked that his motion be referred to the Transportation SPC. This was agreed by the members.

**Resolved** on the proposal of Councillor Clear, seconded by Councillor Killeen and agreed by the members that this motion be referred to the Transportation SPC

**26/0523**

**Policy on New Permeability Routes in Residential Areas**

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

That the council adopt the following policy to inform delivery of new permeability routes in established residential areas. When examining potential for new vehicular and pedestrian permeability routes through established residential areas that did not include objectives in original planning permission, such routes may be considered where new access is providing permeability for a residential area of less unit numbers than existing residential area. In advance of recommendation to council for approval or consideration by means of a planning permission, proposers should seek comment from Garda on the suitability of such routes.

The motion was proposed by Councillor Doyle and seconded by Councillor Kelly.

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that Chapter 5 of the Kildare County Development Plan 2023-2029 outline a number of policies in respect of permeability in residential areas as follows:

Policy TM020: Ensure new development areas are fully permeable for walking and cycling at a minimum, public transport (where appropriate) and provide for filtered permeability for private vehicles access in accordance with the NTA Permeability Best Practice Guide in order to give a competitive advantage to active travel modes for local trips.

Policy TM021: Ensure site layout proposals detail present and possible future connections to pedestrian/cycle links and improve permeability between existing and proposed developments including adjacent developments thereby facilitating the '10-minute settlement' concept.

Policy TMA13: Prepare 'Guidelines for Permeability Connections' in County Kildare to include a flagship permeability project in Kildare.

Guidelines for Permeability Connections will be prepared as an action of the Kildare County Development Plan 2023-2029.

Councillor Doyle explained her proposal e.g. a 100 house estate should not be permitted to have permeability links to a 50 house estate. Guidelines were being prepared following the adoption of the County Development Plan

Members made the following points.

- Permeability was not about cars but walking and cycling.
- The proposal didn't go far enough.
- All estates are different.
- There was a fear that some permeability routes might facilitate anti social behaviour.
- Permeability routes would reduce congestion.
- When would the guidelines be ready.

Councillor Doyle highlighted an issue in Kildare Newbridge Municipal District where 295 houses were being provided with permeability routes through an estate of 70 houses. She was advised that this was part of a Largescale Residential Development permission.

Ms Barrett advised permeability was about cycling and walking and reducing dead end spaces. There were challenges associated providing these routes.

In the CDP Policy TMA13: Prepare 'Guidelines for Permeability Connections' in County Kildare to include a flagship permeability project in Kildare. Guidelines for Permeability Connections will be prepared as an action of the Kildare County Development Plan 2023-2029. They will be brought to the Planning and Economic Development and Transportation and Public Safety SPCs for consideration. The Local Area Plan will contain specific permeability objectives which will be put to the members.

Councillor Doyle wanted her motion put to the floor.

Ms Kavanagh advised that if her motion was carried she was not sure if it could be implemented. Councillors would get an opportunity to make their observations at SPC stage.

As the time was reaching 6.00pm on the proposal of Councillor Doyle seconded by Councillor Kelly it was agreed by all that standing orders be suspended for 10 minutes.

A vote was taken on the motion.

**Resolved** on the proposal of Councillor Doyle, seconded by Councillor Kelly with 7 members voting in favour, 9 members voting against and 2 members abstaining the motion fell.

### **27/0523**

#### **Tree Cutting and Hedgerow Maintenance**

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

That the council carry out absolutely no tree cutting or hedgerow maintenance during the period of the cutting ban (applied across all departments and contractors) until August in order to show unambiguous leadership on this matter, with exceptions only made where there is a very clear and agreed emergency situation or very clear road safety concerns, and as such the absolute minimum areas are cut and very clear communications of the need is made to the public.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that the Transportation Department are required to maintain hedges and verges at junctions throughout the year to facilitate sightlines and the safe movement of traffic.

The Parks Department does not carry out any hedge cutting between 1 March and 31 August unless there is a specific health and safety concern which is rare. The Wildlife Act 1976 (as amended) does not apply to pruning of street trees.

Our current process for programming tree works involves a number of steps. These are:

1. Requests for tree works are received through the year. The requests received between January and August are compiled starting in September.
2. These are all inspected to ascertain the extent of works required and tenders are issued based on this. This process can involve inspecting 2-3k trees across the county and takes 3-4 months or longer. The works are tendered at the end of the year into the new year.
3. Works follow on when contractors are appointed and available.

These steps can take longer depending on other works that maybe taking place. We aim to carry out works before trees come into leaf but this is not always possible due to the extent of works required, resources, procurement requirements and availability of contractors. It is unusual for street trees to have nesting birds in them due to their open crowns. Where trees may have nests, contractors are instructed not to carry out works to the tree.

Flexibility is required to allow tree works to continue over the Summer if required. It is not possible within the volume of works requested during a year, resources available, procurement requirements that have to be met, availability of contractors and an expectation for works to compile these programmes to be able to always practically facilitate the works being carried out outside of 1 March to 31 August.

Councillor Hamilton thanked the Director for the report. It was very clear under the Wildlife Act when trimming of hedgerows and cutting or pruning of trees was permitted and was not permitted. He also explained that horticultural maintenance might be carried out in estates.

Ms Barrett informed the meeting that the council do not cut trees or trim hedges during the nesting season unless there are Health and Safety concerns. ESB and Eir might also prune trees for that reason.

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

**28/0523**

**QR Codes on Bins**

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

That the council trial the use of QR codes on bins throughout the County to report damaged or overflowing bins, similar to the same scheme used by Dublin City Council.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that the Municipal District offices have a bin collection and inspection programme in place which includes the detection of damaged or problematic/overflowing bins. Damaged bins in urban areas are normally detected within a working day and in outlying areas within two days. The Municipal Districts have utilised high-capacity solar powered smart waste compactors in two municipal districts and are assessing the feasibility of these bins.

The trialling of QR codes on bins would not deliver any tangible improvement to the service at the present time. The Transportation Department will continue to investigate all options that will help improve the efficiency and effectiveness of the service.

Councillor N Connolly was disappointed with the report. He pointed to areas where bins were overflowing, QR codes would help and encourage citizens to report this. Ms Barrett informed the meeting this would create an expectation that the bins would be emptied which was not the case. The council did not have an emergency response team.

A number of members agreed with the motion. Councillor Coleman advised that the Celbridge Leixlip Municipal District allocated LPT money to provide a 7 day collection. Councillor Galvin said that the public should be asked to bring their litter home.

It was agreed that the motion should be referred to the Environment and Water Services SPC for consideration.

**Resolved** on the proposal of Councillor Connolly, seconded by Councillor Behan and agreed by the members that the motion should be referred to the Environment and Water Services SPC for consideration.

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Behan and agreed by all that that Standing Orders be suspended for a further 10 minutes.

### **29/0523**

#### **Policy on the Protection Wildlife**

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

That the council outline its policy and actions emanating there from to protect wildlife on its properties and on all lands throughout the county.

The motion was proposed by Councillor Heavey and seconded by Councillor Behan.

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that Kildare County Council observe any requirements required under Section 40 of the Wildlife Act 1976 (as amended) and any associated legislation to protect wildlife. Actions include survey and professional advice of managing protecting and where possible improving wildlife and their associated habitats. Some recent examples of this in the last year are carrying out a bird survey in De Burghs to inform future management of the lands, the erection of Swan Crossing signs at The Lakes, Naas, assisting to protect nesting swans along the canal in Naas.

Councillor Heavey welcomed the report and welcomed the support mechanisms in place. He acknowledged the work being done.

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



**30/0523**

**Protocol Regarding Sale of Land Purchased Through CPO**

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

Regarding the sale by the council of land that it has purchased through a Compulsory Purchase Order (CPO), that this council clarify what checks it has had in place to ensure it adheres to its own protocol regarding the subsequent sale of land purchased through CPO but not used for the purpose for which it was intended; to include the register of all such land sold since 2014.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that any lands deemed to be surplus to requirements after the completion of a project that included a compulsory purchase order, are checked against the original landowner agreement to determine any agreements or special clauses in place to transfer the land back to the original owner. If land is disposed of by way of sale, a statutory process in accordance with Section 183 of the Local Government Act 2001 (as amended) would be required. The Property Interest Register retains a record of all Section 183s approved by Full Council since 2014.

Councillor McLoughlin Healy advised the meeting that the report did not include the list of lands. Councillor McLoughlin Healy was advised that land CPO'd and not required must be offered back to the original vendor. This primarily happened with road projects and happened following agreement of accommodation works with the landowner.

The sale of such land was carried out through the Section 183 process.

Councillor McLoughlin Healy advised that she had been informed in 2022 that there was a protocol in place which was not included in the report. She was advised that there was no change to any protocol in place. She asked if the list would be circulated. Councillor McLoughlin Healy was asked to email her request and she agreed.

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

**31/0523**

**Playful Street**

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

That the council consider the implementation of a "Playful Street" method of open space regeneration that aims to replace cars with children, transforming neighbourhood streets into safe places to play and socialise, and pilot it in an area in each municipal district in the next 12 months. [Playful Streets | Fingal County Council](#)  
[A Playful Street | A Playful City](#) [Our Projects | A Playful City](#)

The motion was proposed by Councillor Killeen and seconded by Councillor Noel Connolly.

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that it will not be possible to consider the work required for 'Playful Streets' with the current year's programme of works. However, it could be considered for a future programme provided the following criteria can be met. These are:

1. Suitable areas to run the scheme.
2. A community group(s) that will lead and run the event.
3. Identification and costing of the materials and resources for the events and a budget to cover them.
4. The events comply with any road safety and road closure requirements.

The Transportation Department have included an item on the 2023 Work Programme of the Transportation, Safety and Emergency Services Strategic Policy Committee to consider the feasibility of a 'quiet road' policy and subject to the agreement of the members, this could examine aspects of the above motion.

Councillor Killen said that she looked forward to seeing the report from the Transportation, Safety and Emergency Services Strategic Policy Committee

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

The final motion on the agenda from Councillor Neville was not discussed as he had left the meeting indicating earlier that he accepted the information given.

The meeting concluded.