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

**Monday 29 January 2024 in the Council Chamber**

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

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Members Present: Councillor D. Fitzpatrick (Cathaoirleach), Councillors V. Behan,

A. Breen, A. Breslin, F. Brett, B. Caldwell, B. Clear, M. Coleman, N. Connolly, P. Curran, S. Doyle, K. Duffy, T. Durkan, A. Farrelly, A. Feeney, P. Hamilton, R. Heather, N. Heavey, I. Keatley, C. Kelly, N. Killeen, M. Leigh, V. Liston, P. McEvoy, J. Neville, N. Ó Cearúil, P. O’Dwyer, T. O’Dwyer, C. Pender, B. Quinn, E. Sammon, P. Ward and B. Weld.

**Online:** Councillors B. Dooley, Í. Cussen, F. Mcloughlin Healy, S. Moore and B. Wyse.

**Apologies:** Councillors A. Connolly and R. Power

Also Present: Ms. S. Kavanagh (Chief Executive)Ms. A. Aspell, Ms. M. Higgins, Mr. A. Dunney and Mr. E. Ryan (Directors of Service) Ms. C. Barrett, (A/Director of Service), Ms. B Sweeney (A/Head of Finance), Ms. C. O’Donnell (Senior Executive Planner),Ms. B. Loughlin (Heritage Officer), Ms. P. O’Brien (Senior Executive Officer), Mr. J. Hannigan (Meetings Administrator), Ms. K O’Brien and Ms. A. Noone (Meetings Secretary) and other officials.

The Cathaoirleach welcomed everyone to the January meeting of the Council.

**01/0124**

**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.

**02/0124**

**Minutes and Progress Report**

The council considered the draft minutes of the special meeting held on 27 November 2023, the monthly meeting held on 18 December 2023 and the progress report.

**Resolved** on the proposal of Councillor B Caldwell seconded by Councillor P Hamilton and agreed by the members present with Councillor McLoughlin Healy abstaining that the draft minutes of the special meeting held on 27 November 2023 and the monthly meeting held on 18 December 2023 be adopted.

The progress report was noted.

**03/0124**

**Chief Executive’s Monthly Management Report**

The members noted the Chief Executives monthly management report.

**04/0124**

**Filling of committee vacancies**

The members considered the filling of the following committee vacancies.

* Climate Action SPC
* County Joint Policing Committee

Councillor A Feeney proposed Councillor Rupert Heather to fill both committee vacancies. This was seconded by Councillor P McEvoy.

Councillor Neville sought clarification on whose departure created the vacancy.

Councillor Feeney advised that the positions had been left vacant due to the temporary absence of Councillor Galvin.

**Resolved** on the proposal of Councillor A Feeney seconded by Councillor P McEvoy and agreed by the members present that Councillor Rupert Heather fill the vacancies on the Climate Action SPC and the County Joint Policing Committee.

**05/0124**

**Section 141 Reports from Other Bodies**

The members considered reports from members appointed to other bodies pursuant to Section 141 of the Local Government Act 2001, as amended. The following report was received at the January meeting.

* Athy Community Enterprise Company CLG

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

The report was noted.

**06/0124**

**Bi-Annual Update from Development Control Section**

The members considered the report previously circulated in relation to the taking in charge status of residential estates in the County.

There were no questions.

The report was noted.

**07/0124**

**Quarterly Update on Climate Action**

Ms M Higgins informed the members on the following update on Climate Action:

* Climate Action Regional Office Agreement with Kildare County Council and Kilkenny County Council renewed for the next six years.
* Adoption strategy - 44 actions completed, 59% ongoing.
* Kildare was the lead authority with the SLA for the country for Climate Action training.
* Four Local Authorities in the East and Midlands had passed their Climate Action Plans with Kildare County Council being the first county to adopt Climate Action Plan in the country.
* Kildare County Councils Climate Action Plan is the only plan that was available in both English and Irish language and both online and in hard copy.
* Community Action Climate Action Fund – applications 06 March. €897,000 available.
* Creative Ireland with Maynooth University at research and development phase.
* Grass2gas shortlisted for awards.
* Louth County Council has joined the Mid East Energy Unit.

The members raised the following points:

* Really strong update. This was an ambitious plan that needed to be acted on.
* Looked forward to DZ activisation.
* Regarding Item 5, that was due to conclude in 2025 would there be further funding opportunities to continue and scale out to other towns.
* Does the training of staff include representatives.

Councillor B Clear informed the members that the next Climate Action SPC would be held in the new Naas Library and hoped that all members would attend.

Ms M Higgins informed the members that regarding Item 5 The Creative Ireland project was in the first phase but envisaged further funding down the line as the project had been picked up by a number of agencies. Conscious of training for members, engage with different working group.

The Energy Bureau in conjunction with SEA and CODEMA were working well at developing baseline studies and mapping.

The report was noted.

**08/0124**

**Nomination to the Housing Strategic Policy Committee**

The members considered the nomination of Mr. Anthony Neville, Managing Director of Anthony Neville Homes, Wexford by the Development Construction Pillar to the Housing Strategic Policy committee.

Councillor B Weld proposed Mr. Anthony Neville for membership of the Housing Strategic Policy committee. This was seconded by Councillor J Neville.

**Resolved** on the proposal of Councillor B Weld seconded by Councillor J Neville and agreed by the members present that Mr. Anthony Neville, be appointed to the external seat on the Housing Strategic Policy committee.

09/0124

**Gnó an Cathaoirleach/Cathaoirleachs Business**

Bereavements

The Cathaoirleach extended his sympathy to the families of the late

Martin Phillips, retired Machinery Yard Superintendent, (Transport).

Fiona Perales, sister of Teresa Ludden, (Human Resources)

Emma Carbery, wife of Peadar Davis, (Athy Municipal District)

Martha Treacy, mother of Michael Treacy (Finance) and mother in law of Siobhan Scully (Housing).

Nuala Millane, mother of Fiona Millane (Finance)

Michael (Mick) Conlan, father of Gerard (Gerry) Conlan retired Senior Engineer and grandfather to Daragh Conlan, SEE Roads

Catherine Wilson, mother of Orla Wilson (Corporate Services).

Maura Kelly, mother of Marie Kelly (Transport) Aunt to Cyril Buggie (Transport) and Mother-in-Law to Una Kelly (Finance).

A minute’s silence was observed.

The Cathaoirleach congratulated Maynooth on their success on winning the IBAL award for cleanest town in Ireland. He attended the event, and it was a great success.

The Cathaoirleach asked for the support of the members to promote the upcoming the Brigid 1500 events and commended the Brigid 1500 team for all their hard work. He attended the Wonderful Barn event which was an excellent event with over 8,000 attending throughout the day. He asked the members to be ambassadors this week and spread the word to remind their constituents of what events were taking place.

These events received wide coverage on national media.

Mr B Quinn asked that the members consider inviting member of Solas Bhride to attend the next meeting of the full council. The Cathaoirleach advised that he would speak to Councillor B Quinn offline on the matter.

Ms P O’Brien updated the members on all upcoming events for Brigid 1500 and advised that the complete event guide could be found on the website Brigid 1500.ie

The members raised the following:

* Thanked Ms P O’Brien for the update.
* This was invaluable for tourism.
* Roadmap in place for future events.
* Thanked the team for the successful event held in the Wonderful Barn over the weekend and looked forward to the rest of the events.

Councillor S Doyle reminded the members of the Pause for Peace at 12 noon on Thursday 01 February.

She was advised that Councillor B Quinn had submitted a motion on this.

**10/0124**

**Comhfhreagras/Correspondence**

The Meetings Administrator confirmed eleven items of correspondence had been circulated to the members along with the progress report. These included six motion referrals from other county councils**,** two Local Government circulars along withthree items ofcorrespondence from Senator Victor Boyhan in relation to Government Legislation Programme Spring 2024, Community Recognition Fund and the appointment of new chairperson of An Bord Pleanála. The Meetings Administrator also reminded the members that they also received Circular LG 02-2024 relating to Ethics Declarations which were due by 29 February 2024 and Political Donation statements were also due by 31 January 2024.

The correspondence was noted.

**11/0124**

**Conferences and Training**

The Meetings Administrator referred to the conference and training report which had been circulated to the members.

Training

Retrospective approval was sought for the LAMA Building for Success held on 19 and 20 January in the Abbey Hotel, Donegal Town attended by Councillor F Brett, Councillor B Caldwell, Councillor N Connolly and Councillor J Neville cost €140 plus travel and subsistence.

AILG Road Safety, Elected Members Briefing, held on 27 January in the Greenhills Conference and Leisure Centre, Limerick and attended by Councillor N Connolly, cost €80 plus travel and subsistence.

AILG Webinar on Introduction to Advertising on Facebook and Instagram held on 26 January 2024. Attended by Councillor N Connolly. No cost.

Approval was sought for the AILG Webinar on Planning, Budgets, Tracking Results and getting Authorised to run political ads on Meta being held on 02 February 2024. Councillor R Heather and Councillor N Connolly sought approval for attendance. No cost.

Approval was sought for the AILG Annual Conference 2024 being held on 14 and 15 February 2024 in the Arklow Bay Hotel, costs to be confirmed. Councillor B Caldwell, Councillor N Connolly, Councillor E Sammon and Councillor C Kelly sought approval for attendance.

Conferences

Approval was sought for the Policy Forum for Ireland, Next steps for the transport sector Ireland being held online on 22 March 2024, cost €305 plus VAT. Councillor B Clear sought approval for attendance.

The meeting administrator advised that retrospective approval could not be given for attending conferences.

**Resolved** on the proposal of Councillor P McEvoy seconded by Councillor C Kelly and agreed by all the conferences and training requests be approved.

**12/0124**

**Historic Monuments Committee**

Ms C O’Donnell and Ms B Loughlin gave a presentation to the members on the work carried out by the Historic Monuments committee. A presentation had been previously circulated to the members.

Ms C O’Donnell informed the members that HMAC was established under the National Monuments Act 1930, Section 22. The Monuments Committee has existed in Kildare since the 1940’s. The Committees role is to provide advice and assistance in relation to the protection and preservation of the national monuments or any particular national monument in the functional area of such local authority or in relation to any other matter arising in the performance by such local authority of its duties and functions under this Act.

Ms B Loughlin informed the members of the three year process involved in the conservation of monuments. She advised that up until 2019 there had been very little funding but €30,000 is now allocated annually by Kildare County Council which was useful for match funding when making applications for grants. She also advised the members that LPT funding was a great addition to maximise funding.

The members raised the following:

* Could the HMAC advocate to the OPW regarding the works at Jigginstown Castle.
* The SPC and chamber committee had taken time to ensure specialists were on the committee. Would these members remain in place after the upcoming election.
* What procedures were in place to maintain the areas after works had been completed.
* Great to see ongoing work and enthusiasm.
* Was this strictly limited to sites owned by Kildare County Council.
* Would it be more cost effective to buy scaffolding.
* Could the Round Tower at Taghadoe be looked at.

Councillor S Moore suggested that other members might consider allocating LPT funding to support the projects.

Ms B Loughlin advised that Taghadoe was in the ownership of the OPW and was not the responsibility of Kildare County Council. In response to the procedures to maintain projects once completed, she advised that she works closely with committee groups and only works with projects where existing committees were in place. A maintenance plan was needed.

The report was noted.

**13/0124**

**Biodiversity Friendly Dimming Street Lights**

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

That the council introduce dimming street lights that are biodiversity friendly particularly for nocturnal animals and bats throughout their public lighting areas which will also introduce energy efficiency in our street light network.

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

A report from Ms. C. Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that the Public Lighting Energy Efficiency Project (PLEEP) will commence in Kildare during 2024 with survey working in Quarter 1 and full project completion expected during 2025. The Project is managed by Kilkenny County Council and will only upgrade existing lights to LED lanterns and does not install additional lighting.

A technical working group examined all aspects of the project, including the potential impacts on nocturnal animals and their recommendations were incorporated into the project.

The default temperature of the new lanterns will be 3,000oK which is referred to as “warm white”. This temperature is consistent with the recommendations of Prof. Brian Espay of TCD on behalf of the Dark Sky Ireland Group and is considered best practice.

<https://www.darksky.ie/wp-content/uploads/2020/04/BestPracticesInPublicLighting_BEspey2020.pdf>

Higher colour temperature lights (4,000oK) will be used in selected areas such as high conflict zones such as near pedestrian crossings which will assist drivers in identifying these locations. The project consultants carried out a screening for appropriate assessment and did not identify any issues requiring mitigation.

The PLEEP project allows each Local Authority to designate the desired colour temperature for any particular area/ light. This allows the Local Authority to select a warmer colour temperature of 2700oK for dark sky’s areas or other sensitive locations. The LEDs with the warmer colour consume more energy than the cooler coloured LEDs, so there is a balance to be struck between warmer colour temperature and reduced emissions.

Councillor B Clear advised that any light that blocks the moonlight affects the wildlife. Other countries across Europe have been installing dimming lights. This also reduces carbon footprint.

The members raised the following:

* Due to the increase in Greenways the council needed to be more conscious of the wildlife in these areas when installing lights.
* Mayo County Council had done significant research in this area, Kildare could consider a similar approach and create a dark sky policy.
* Would any new initiatives be implemented in the next one to two years.

Ms C Barrett informed the members that the PLEEP would be the first step and surveying would commence in March and due to be implemented later in the year. The public lighting policy would need to be updated. When a new SPC is formed this could be looked at. She also reminded the members that lights undertake multiple functions including pedestrian safety which would also have to be considered. No major projects would be happening before the PLEEP was implemented.

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

**14/0124**

**Electrical Connections for Publicly Funded Projects**

The following motion in the names of Councillors Anne Breen, Aoife Breslin, Aidan Farrelly, Angela Feeney, Peter Hamilton, Rupert Heather, Mark Leigh and Pádraig McEvoy was considered by the members.

That the council engage with ESB Networks, the Local Government Management Agency or relevant stakeholders to establish an oversight forum to coordinate the scheduling of electrical connections for publicly funded projects.

The motion was proposed by Councillor P McEvoy and seconded by Councillor V Liston.

A report from Ms C Barrett, Director of Services, Transport, Mobility and Open Spaces stated that Housing have confirmed that utility connections are kept under review during the construction and delivery phase of social housing projects; where issues arise the Housing Department engages with the Housing Delivery Coordination Office, who in turn advocate on our behalf with Uisce Eireann and ESB Networks.

At present, there is no formal procedure in place for the council to engage with ESB Networks although there is continued contact at local level on an ongoing basis. The ESB works closely with the County and City Management Association (CCMA) on a regular basis through a number of fora. With the agreement of the members, the council will write to the ESB to explore options.

Councillor McEvoy advised that the housing co-ordination with ESB benefits projects because they require ducting and connections.

Regarding transport related electrical connections he advised that a pedestrian crossing at a school in Clane was waiting on electrical connection from ESB for a substantial period of time. If there was some co-ordination between the council and the ESB this could expediate things. Issues with ESB connections needed to be documented.

The members raised the following:

* Many projects were bottlenecked due to ESB i.e. EV charging points, pedestrian crossings. Better practices were needed.
* These issues were holding up many projects.
* Royal Canal project lost two years due to a misplaced application.
* Paying outrageous sums for connections, no communication with ESB. Waiting two years in Kill to take down a tree. The power needed to be shut off for this to be carried out safely.

Ms C Barrett advised that she had been in contact with the LGMA. These issues seemed to be specific locally. She suggested making contact with ESB to address the localised issues as a first step.

**Resolved** on the proposal of Councillor P Mcvoy seconded by Councillor V Liston and agreed by the members that contact would be made to arrange a meeting with the ESB.

**15/0124**

**Invitation to ESB Networks**

The following motion in the names of Councillors Tracey O’Dwyer and Peggy O’Dwyer

was considered by the members.

That the council invite ESB Management to a briefing at full council to outline in detail the process required to connect power supply to traffic lights, pedestrian crossing and toucan crossing lights and public street lighting with the aim of making this process completed in a timelier manner.

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

A report from Ms C Barrett, Director of Services, Transport, Mobility and Open Spaces stated that this is a matter for the members to agree.

Councillor T O’Dwyer advised that she supported the previous motion. An efficient way to liaise with the ESB was needed. What steps would be involved. There had been two projects she had been involved in and was surprised by the amount of paperwork and steps involved. Could a face to face meeting with the local ESB office be arranged.

The members raised the following:

* The process was very tedious.
* A safety audit was needed on the Athgarvan road, but nothing could be done until lights were activated.
* Suggested ESB attend quarterly clinics similar to Uisce Eireann as this was hugely beneficial.
* There had been an area in Kildare MD where a footpath was taken up for over nine months as a result of delays on the ESBs part. This needed to be highlighted.

Ms C Barrett advised that a letter would be issued to the ESB.

**Resolved** on the proposal of Councillor T O’Dwyer seconded by Councillor P O’Dwyer and agreed by members that a letter be issued to ESB.

**16/0124**

**Bounce Back Recycling**

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

That Kildare County Council engage with Bounce Back Recycling, a Galway Traveller Movement initiative, to ensure that their service is made available in County Kildare.

The motion was proposed by Councillor N Connolly and seconded by Councillor C Pender.

A report from Ms M Higgins, Director of Services, Climate, Community, Environment and Water stated that the company in question is a commercial business based in Galway and has a current waste permit issued by the National Waste Collection Permit Office. This permit allows the company to provide a service in County Kildare if/as it sees fit. The company is free to engage with the council in terms of its service.

Any projects awarded by the council would have to be procured in accordance with the council’s procurement policy.

Councillor N Connolly informed the members that a service like this could reduce illegal dumping and asked for clarification on what currently happened to mattresses collected on mattress amnesty days.

Councillor P Hamilton and Councillor C Pender supported this type of enterprise and the benefits it would bring.

Ms M Higgins advised that mattresses collected on amnesty days were recycled. The council would be happy to work with Bounce Back Recycling, but they would need to engage in the procurement process. This could present economic opportunities.

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

**17/0124**

**Development Contributions**

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

That the council confirm what amount of development contributions were collected in the municipal district areas, in tabular format, in the years 2019 to 2023 and how much of that proportion of the spent budget was spent in each Local Electoral Area and municipal district.

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

A report from Ms B Sweeney, Acting Head of Finance stated that the Members adopted the 2023-2029 Development Contribution scheme in December 2022. This scheme estimated that €14.4m of development contributions would be generated in Kildare per annum. The scheme as adopted in 2022 divides development contributions received as follows:

Transportation, Surface Water and Flooding – Countywide 60%

Community and Civic – Municipal District element 32%

Community and Civic – General element 8%

(Community and Civic covers the areas of Community, Environment, Economic Development, Public Realm, Open Spaces and Recreation.)

The Development Contributions schemes prior to the 2023-2029 scheme had the development contributions allocated as follows:

Carparking - Countywide

Roads and Transport - Countywide

Surface Water - Countywide

Community and Enterprise – retained within the Municipal District in which it was generated.

Recreation and Amenities – retained within the Municipal District in which it was generated.

Members are aware Development Contributions are divided on a county-wide basis for Transportation and Surface Water, with the remainder ring-fenced for use within the Municipal District in which they were raised.

As part of the process of compiling the annual three-year capital programme each September, the actual amount of development contributions collected from the start of the scheme in 2004 to August of that year, is compiled to assist in the preparation of the three-year capital programme. Any unspent development contributions assigned to projects are shown in the capital programme in the funding column called “Development Contributions Collected”.

The three-year Capital Programme 2024-2026 that was presented to Council at the November 2023 Budget meeting shows the expenditure for each project by Municipal District and each project was also analysed under their current stage with an Estimated Start Dates for their next stage. The three-year Capital Programme 2024-2026 also has graphs included showing the various element of expenditure by Municipal District.

There was also a separate meeting on the Capital Programme 2024-2026 in November 2023 with Members to go into detail on any other queries they might have had on the programme. Members also have the opportunity to discuss the Capital Programme for their Municipal District each year in Quarter 2 in advance of the new Capital Programme being drafted.

The enclosed report Appendix 1 shows all development contributions collected from March 2004 to end August 2023 and the projects these contributions have been committed too.

The actual spends each year on capital projects is presented to council as part of the Annual Financial Statements since 2021. In January 2022 in reply to a motion the actual spend on capital projects from 2016 to 2020 was also presented to council.

The members raised the following:

* This report raises disparity in allocation between municipal districts.
* There had been a lot of contributions accumulated for projects like the Wonderful Barn and New Swimming Pool, there projects needed to be moved forward,
* On page 9 of the report there was monies allocated from Celbridge/Leixlip Municipal District to Maynooth Fire Station and Carton Avenue. Why was this allocated to a different Municipal District.
* As the county develops more resources were needed for bigger towns.
* Some communities felt left behind.

Ms B Sweeney informed the members that previously Maynooth used to fall under the Leixlip area. The monies allocated were historic levies that had been earmarked for these projects.

Ms S Kavanagh advised that a special meeting had been held to discuss the Capital Programme last November. She disagreed with the language that had been used by some of the members as it had been taken out of context and was pitting Municipal Districts against one another. There were plans to address these gaps over the next number of years with the delivery of these projects.

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

**18/0124**

**Development Levies**

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

That the council outline the amount of development levies collected in the last 5 years, how much is outstanding and what action is being taken to collect them.

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

A report from Ms B Sweeney, Acting Head of Finance stated that the amount of development contributions collected from customers in the 5-year period 2019-2023 was €101,811,020.

There was an additional €1,311,652 paid by the Department in 2023 for customers who were eligible for the temporary time-limited waiver as per Circular PL 04/2023. This waiver is to incentivise the activation of increased housing supply.

This temporary waiver applies for 1 year to all permitted residential development –

* that commences on site between 25 April 2023 (the date of the Government

Decision approving the measure) and 24 April 2024, and

* is completed not later than 31 December 2025.

155 residential units availed of this waiver in 2023.

The amount outstanding on development contributions at end 2023 is €16,344,573.

All development contribution customers who are in arrears are continually under review by staff in the Finance Development Contribution Unit and management in the Finance Section. Per the Development Contributions scheme, 50% of development contributions become liable on receipt of a commencement notice through the Building Control Management System (BCMS), the next 50% is due 12 months later.

Engagement with the customer will take various forms including the issuing of letters, telephone calls, meetings etc

Where a customer does engage, payment options are explored including facilitating payment plans over a period of months.

Where a customer in arrears fails to engage the matter is referred for the appropriate legal action. It should be noted that for the years 2020 and 2021, the pandemic caused financial difficulties for development contributions customers and Kildare County Council did not legally pursue customers in arrears during this time. From 2022 onwards however files have been referred for the appropriate legal action.

Development contributions are a condition of a planning permission, compliance letters re payment of the development levy contributions (requested on the sale of properties) are not issued by the Finance Development Contribution unit until the development contributions are paid in full.

Councillor Clear informed the members that he was in no doubt that a number of developers had not paid their levies. Could the council prioritise getting outstanding levies from developers as the council could do a lot with these monies.

Ms B Sweeney advised the members that houses could not be sold unless levies had been fully paid, and a certificate of compliance was issued. Solicitors would be involved.

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

**19/0124**

**Submissions to the M4 Interchange Road**

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

That the council provide a copy of submissions to the public consultation on the development of the M4 interchange road, or the record of destruction certificate under the National Retention Policy for Local Authority Records where the records are no longer maintained.

The motion was proposed by Councillor V Liston and seconded by Councillor N Connolly.

A report from Ms C Barrett, Director of Services, Transport, Mobility and Open Spaces stated that the Public Inquiry into the development of the Kildare County Council (Celbridge Interchange) motorway scheme was held in 1999. There was also a consultation in respect of the Kildare County Council (Celbridge Interchange) Extinguishment of Public Right of Way in 1998 which was approved by Full Council on 26 July 1999. The Council has carried out a search of its records to ascertain whether the records could be located and they are not available. The National Retention Policy for Local Authority Records requires the retention of records in respect of Road Works Schemes, including submissions from the public, for 20 years; and records in respect of the Extinguishment of Right of Way also for 20 years. Kildare County Council can find no evidence of the record’s destruction or disposal otherwise.

Councillor Liston asked could the records be with other bodies and if so, could the records be requested from these bodies. Regarding the extinguishment of the right of way in 1999 would there be any consequences if the records could not be located.

Ms C Barrett advised the members that she was not aware of any other bodies that the records could be with. The council maintains records for twenty years. There had been no destruction record, but the council were unable to locate the records.

There would be no implications if the records were not found as the decisions had been made following a public enquiry.

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

**20/0124**

**Change of Policy in naming Roundabouts**

Councillor Moore advised that he was not in a position to move his motion. He was advised by the Cathaoirleach that he could resubmit his motion.

**21/0124**

**Childcare and Recreation Facilities within Developments**

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

That the council review policy associated with delivery of both childcare and recreation amenity facilities within developments, to facilitate both onsite delivery and contribution to offsite public/community facilities where preferable, based on a set of criteria to measure maximum public interest outcomes.

The motion was proposed by Councillor S Doyle and seconded by Councillor A Feeney.

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that the policies associated with the delivery of both childcare and recreation amenity facilities within developments are set out in Chapter 15 Development Management Standards of the Kildare County Development Plan 2023-2029 which was adopted by the Elected members on 9 December 2022 and came in to effect on 28 of January 2023. The Plan is required to, and does, comply with a series of guidelines issued by the Minister under Section 28 of the Planning and Development Act, 2000 (as amended). The Section 28 Guidelines relating to Childcare Facilities require 1 childcare facility for 20 children for every 75 housing units.

In general terms, and in relation to childcare facilities, the CDP requires all new housing developments of 20 units or greater to complete and submit a Social Infrastructure Audit (the content of which is prescribed in the Plan) which shall determine how the capacity of the assessed infrastructure will be affected by the proposed increase in population. Where a deficit is identified, the developer will be required to make provisions/submit proposals to address such deficits. Chapter 15 of the Plan allow for these deficiencies to be addressed on a phased basis with allowance made for frontloading of such infrastructure, to an operational standard, if so required, and this is dealt with on a case-by-case basis through the Development Management process.

With respect to recreation amenity facilities within developments, chapter 15 of the Plan also sets a requirement for the provision of carefully designed and accessible open space that amounts to a minimum of 15% of the total site area for new green field sites. Again, it is to be noted that this is carefully managed on a case-by-case basis with a further focus on the provision of Soft Landscaping, Hard Landscaping and Formal/Informal Play Spaces as so required within developments and community spaces.

In relation to contribution(s) to offsite public/community facilities, the current Development Contribution Scheme 2023 - 2029, as adopted by the members on 19 December 2022, sets out the criteria for applying development levies against all developments as well as how these are distributed across each Municipal District to deliver the public infrastructure required across transportation, surface water and flood relief, open space, recreation, environment, public realm community facilities and economic development.

Noting the above, the impacts of the new County Development Plan 2023 – 2029 and Development Contribution Scheme 2023 - 2029, in terms of delivering these objectives on the ground, can only be measured over the coming months and years and as such a review of these policies is not intended at this time.

Councillor S Doyle informed the members that this motion had come from engagement with the public. Playgrounds were being developed without the means to manage them. Playgrounds were welcome but there would be a need to have the means to maintain them. An Garda Siochana don’t have the resources to help when dealing with anti social behaviour.

Councillor E Sammon advised that she could see Councillor Doyles point. Why consider developing a small area in an estate as a play area if developers had landbanks in the area they might develop a bigger play space in these that could be used to benefit all the community.

The members raised the following:

* Worried about developers who had creches in estates as part of their conditions and had not used them as creches. Fees for creches are through the roof, there was a need to develop community creches. Areas needed to be fixed for creches and parks development.
* Under new legislation the County Development Plan is now in place for ten years. This would have an impact on the application process.
* Get community groups involved in the management of playgrounds. Could we hold workshops.

Mr A Dunney informed the members that the County Development Plan would be in place for ten years and that the current plan was only in force for one year. This plan would be reviewed in the next 18 months. Each development was on a case by case basis. The cost of maintenance comes from budget. Anti social behaviour was an issue for An Garda Siochana.

Councillor Doyle advised that it would be better to deliver high end services for the community.

**Resolved** on the proposal of Councillor S Doyle seconded by Councillor A Feeney and agreed by members that the report be noted.

**22/0124**

**Pause for Peace on St Brigid’s Day**

The following motion in the name of Councillor Bob Quinn was considered by the members.

That the members and staff of Kildare County Council support and participate in the Pause for Peace initiative by stopping for a minute's silence at 12:00 noon on St Brigid's Day, 01 February 2024 in acknowledging of St Brigid's legacy as a peacemaker.

The motion was proposed by Councillor B Quinn and seconded by Councillor P Hamilton.

A report from Mr E Ryan, Director of Service, Corporate, People and Cultural Services stated that members and Staff of Kildare County Council will be invited again this year to participate in the Pause for Peace initiative on 1 February 2024 at 12.00 noon (minute’s silence) in acknowledgement of St. Brigid’s legacy as a peacemaker.

Councillor B Quinn stated that St. Brigid was a woman of peace. He noted that an email had been sent to all staff in Kildare County Council to support the pause for peace initiative on St. Brigid’s day. This would send a statement to the world that the members of Kildare County Council are against proliferation of arms and oppose warfare.

Mr E Ryan informed the members that the Pause for Peace reflects spiritual underpinning. Kildare County Council had sent an invitation to all staff and members to take part in Pause for Peace.

The members raised the following:

* No mention of warfare or proliferation of arms in this motion. The members accepted the motion as written.
* Not a contentious issue
* Could a message be sent to schools to participate.
* What relevance was this to council business.

Ms S Kavanagh advised that Pause for Peace initiative came from Sister Rita in Solas Bhride, Kildare and was about embracing everyone and Solas Bhride was financially supported by Kildare County Council

Mr B Quinn advised that he had no intent to politicise this matter and he would be attending the council offices on Thursday at 12 noon to participate in Pause for Peace.

**Resolved** on the proposal of Councillor B Quinn seconded by Councillor P Hamilton and agreed by members that the report be noted.

**23/0124**

**Purchase of Work Management Software**

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

That the council review and consider purchasing work management software for the tracking, progression and assignment of motions at Full Council and Municipal Districts.

The motion was proposed by Councillor N Ó Cearúil and seconded by Councillor B Caldwell.

A report from Mr E Ryan, Director of Service, Corporate, People and Cultural Services stated that motions passed at Full Council and Municipal District level are currently assigned to departments by means of the action plan and reported back to Council or Municipal District through the progress report where appropriate. A system to assign and track these actions would be desirable. It will be necessary to clearly capture the requirements for this application and assign resources to progress and manage it. As there is already a Dynamics CRM system in place in the first instance Corporate Services and IT could investigate the feasibility of using this CRM system for that purpose and also linking it in with the Members Portal at a future date.

Councillor N Ó Cearúil stated that progress on issues that were raised at Municipal District and Full Council meetings were only tracked by the progress report. This would improve the democratic process, better tracking and follow through, and would make the process easier for staff and member who could identify specific staff members dealing with matters, this would also reflect back to the constituents.

Councillor Í Cussen supported the motion. She had previously requested a track and trace system be put in place.

Councillor E Sammon supported the motion and advised that if there was a reason that something could not be done, then there would be a record of that on the system.

Mr E Ryan informed the members that the council were open to assigning resources to progress this matter further.

**Resolved** on the proposal of Councillor N Ó Cearúil seconded by Councillor B Caldwell and agreed by members that the report be noted.

**24/0124**

**Greenway Feasibility Study Grant**

The following motion in the name of Councillor Evie Sammon was considered by the members.

That, following the approval of a Greenway Feasibility Study Grant for the Naas-Corbally Canal, the council explore the feasibility of linking Newbridge to Pollardstown Fen Miltown Canal Feeder to Miltown to Lowtown Robertstown, to Digby Bridge to Soldiers Island to Naas Harbour to Corbally and back to Newbridge.

The motion was proposed by Councillor E Sammon and seconded by Councillor T O’Dwyer.

A report from Ms C Barrett, Director of Services, Transport, Mobility and Open Spaces stated that the linking of Newbridge to Pollardstown Fen Milltown Canal Feeder to Milltown to Lowtown Robertstown, to Digby Bridge to Soldiers Island to Naas Harbour to Corbally and back to Newbridge by way of a greenway is a project that could be explored in the medium to longer term. It would require the funding support of a number of significant stakeholders such as NTA, TII and Waterways Ireland, and perhaps a feasibility study could be explored through the ORIS scheme in the first instance.

A lot of the route can currently be traversed and requires upgrading to Greenway Standard. Breaking it down into its components

1. Sallins to Robertstown is already at detailed design through the KCC SPPR team.
2. Sallins to Naas is already at Part 8 stage through the Active Travel team.
3. Naas to Corbally Harbour and onto the Liffey is the subject of a feasibility study being carried out by the Planning Department with the benefit of ORIS funding.
4. The Newbridge ABTA project is currently at consultation stage and links from Newbridge to Corbally and Newbridge to the Miltown Feeder have been proposed in that report.

A further feasibility study could be undertaken, with the benefit of funding, to create a brand on the 50km loop, tying it all into one project, once all of the constituent pieces are in place. The route would further link into the newly opened Sallins Aylmer Greenway, Barrow Blueway and Grand Canal Way. €50,000 to €70,000 in funding (ORIS, LPT etc) would allow a feasibility / branding exercise to be carried out. Certain sections may need to benefit of Part 8 / Planning however in general the route exists.

Councillor E Sammon advised that most of the work had already been done and joined up thinking was needed. Outdoor recreation funding could be looked at to fund this project.

Councillor O’Dwyer supported the motion and advised that she previously had a similar motion at the Kildare Newbridge Municipal District Meeting. This was very achievable, and the members were happy to work with the council.

Ms C Barrett agreed that many projects could be linked and advised that this would be something that could be looked at. This would be a long term project but certainly could be achieved.

**Resolved** on the proposal of Councillor E Sammon seconded by Councillor T O’Dwyer and agreed by members that the report be noted.

**25/0124**

**Section 141 report KWETB**

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

That the council seek clarification from Cllrs nominated to board of KWETB as to whether they have received any update or when the most recent update was received on the status of the Garda investigation into the KWETB and why if there has been an update, it hasn’t been included in any of the section 141 reports intended to keep the council informed of developments relating to the boards to which they are nominated.

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

A report from Mr E Ryan, Director of Service, Corporate, People and Cultural Services stated that this is a matter for the members to agree.

Councillor F McLoughlin Healy said on a point of order that she had requested the executive seek clarification and not the members. There had been an ongoing Garda investigation in to KWETB but no communication had been received by members. She noted that minutes were not updated on the KWETB website since last July and recommendations previously put in place had not happened. She had requested an update from the KWETB but had not received a response. She stated that the Cathaoirleach was conflicted and should possibly step aside from the meeting as he was chair of the board of KWETB.

The members raised the following:

* Due to the ongoing Garda investigation any discussion on the matter could be detrimental to that investigation.
* Do not want to interfere in the investigation.
* This matter should be left to An Garda Siochana.
* Want to disassociate from this, the board is separate.
* The members did not support the motion.

The members agreed that clarification should not be sought as this was an issue for An Garda Siochana and was the subject of an ongoing Garda investigation.

**Resolved:** The motion proposed by Councillor F McLoughlin Healy and seconded by Councillor N Heavey was not approved by the members.

The meeting concluded.