

**Minutes of the Clane-Maynooth Municipal
District Meeting held on Friday, 05 July 2019 at 10:00 am
in the Council Chamber, Áras Chill Dara, Naas, Co Kildare**

Members Present: Councillor B Weld (Cathaoirleach), Councillors T Durkan, A Feeney, A Farrelly, D Fitzpatrick, P Hamilton, N O’Cearúil, P Ward, and B Wyse.

Apologies: Councillor P McEvoy.

Officials Present: Ms S Kavanagh (District Manager), Mr E Lynch (Senior Executive Planner), Mr L Dunne (Senior Executive Officer), Ms L Murphy (Executive Planner), Mr M McLoughlin (Administrative Officer), Mr C Buggie (District Engineer), Mr J Hennessey, (A/District Engineer), Ms K Keane (Meetings Administrator), Ms N Smullen (Meetings Secretary).

CM01/0719

Minutes and Progress Report

The members considered the minutes of the annual meeting of the Clane-Maynooth Municipal District held on Friday, 14 June 2019, together with the progress report.

Resolved on the proposal of Councillor Ó Cearúil seconded by Councillor Durkan that the minutes of the annual meeting of the Clane-Maynooth Municipal District meeting held on Friday, 14 June 2019 be taken as read. The Progress Report was noted.

CM02/0719

Matters Arising

Task force to combat illegal dumping (MY27/0319) (MY29/0419)

Councillor Durkan asked if the members could receive an update twice a year from the council and relevant stakeholders in relation to illegal dumping. It was agreed by all the members that the Environment and Water Services Department would provide them with an update on illegal dumping twice a year.

CM03/0719

Municipal District Road Works

The A/District Engineer, Mr Hennessy informed the members that contract 1 which included footpath repairs in Rail Park, Maynooth Park, Coilleragh to Coill Dubh, Prosperous, traffic islands in Kilcock and drainage works in Straffan and the Maws had been largely completed. He stated footpath works in Coilleragh to Coill Dubh and Prosperous were due to commence on the week beginning 08 July 2019, contract 2 road recycling works were due to start in mid July which included works on the Staplestown Road, Drehid Road, Derryvarroge and Island Road, Derrinturn, contract 3 works had commenced which involved patch repairs and base course works which would subsequently be surface dressed and work was being undertaken on pavements on the R408 at Rathcoffey, the R403 Killinagh and Derrinturn, and local roads at Clonkeen, Cadamstown Cross and Mylerstown. The A/District Engineer stated that contract 4 works which included pavement overlay works on Sweeney's Bend, Millicent Road, the Ballynakill Road and the R148 at Broadford had been tendered with tenders due back on the 09 July 2019. Newtown footpath improvement works had been completed.

A number of queries were raised by the members as follows: Councillor Durkan asked when works at Rockfield and Kingsbury would commence. Councillor Fitzpatrick asked for details of the side roads which would be worked on as part of the road improvement works for Digby Bridge Road. Councillor Wyse asked if Killinagh Road Lower was included with these works and Councillor Feeney asked if works carried out on the footpaths in Maynooth catered for wheelchair users. Councillor Ó Cearúil stated the removal of telephone poles in some areas was required to fully facilitate wheelchair users. Councillor Weld asked if there was a timeframe for footpath improvements in Kaness Pass and what length of footpath works would be carried out on.

The A/District Engineer confirmed as follows: He would check details whether works at Rockfield and Kingsbry were included in contract 1 and revert to Councillor Durkan. In relation to Digby Bridge Road and adjacent roads the Naas Municipal District would be undertaking these works and the members were welcome to contact the Clane-Maynooth Municipal District Office with any queries and he would liaise with the Naas Municipal District in relation to same. Works for Killagh Road Lower were not included in the original contracts but a price had been requested and it was his intention to include these works in contract 3.

In relation to facilitating wheelchair users, footpaths on the Newtown Road were generally 1.5 metres in width and the kerbs had been dropped, whilst some telephone poles had been removed agreement had not been reached with some landowners for the removal of the remaining ones, this matter would be kept on the action plan. Every effort would be made to complete footpath improvement works on Kanes Pass in future works programmes.

CM04/0719

Allowance to the Cathaoirleach

The members considered payment of allowance to the Cathaoirleach of the Clane-Maynooth Municipal District in accordance with Circular Letter LG 01/2018.

A report was received from the Corporate Services Department informing the members that Section 143 of the Local Government Act 2001, as amended referred to the payment of an allowance to a Cathaoirleach. Part IV of Circular LG01/2018 sets out the maximum amount of an allowance payable to Cathoirligh of Municipal Districts.

The Meetings Administrator informed the members that the maximum amount for the Cathaoirleach's allowance was €6,000.

Resolved: On the proposal of Councillor Fitzpatrick seconded by Councillor Feeney and agreed by all members present that an allowance of €6,000 be paid to the Cathaoirleach of the Clane-Maynooth Municipal District in accordance with Section 143 of the Local Government Act 2001 as amended, part Part IV of Circular Letter LG 01/2018.

CM05/0719

Strategic Housing Development at Capdoo, Clane

The Cathaoirleach informed the members their role in the Strategic Housing application process was part of the statutory procedure and their comments would be noted and forwarded to An Bord Pleanála (ABP). Mr McLoughlin informed the members that, in accordance with the legislation, their views were required at the municipal district meeting. Mr Lynch, Senior Executive Planner informed the members that the application had been lodged by Ardstone Homes and was a Strategic Housing Development (SHD) application as it comprised of more than one hundred residential units. He stated that the proposed

development comprised of 366 residential units and a crèche, with a density of 37.82 units per hectare and outlined details of the scheme:

Mr Lynch stated that the opinion of An Bord Pleanála (ABP) was that “particular regard should be had to need to develop at sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Clane town centre.” He outlined the timescales of the application, noting that submissions were due by 11 July 2019, and stated the member’s views would be included in the Chief Executive’s response due by 02 August 2019.

Councillor Weld stated that it was important for the members to be specific with the relevant planning issues in the application. He stated that whilst the proposed development complied with the land zoning in the Clane Local Area Plan (LAP) and he was in favour of housing on the site but he was against the density and the amount of duplex apartments proposed. He stated that the amount of proposed car parking spaces was not sufficient which would cause major problems in the future. Councillor Weld stated that the application was poor planning and he asked that ABP take into account the poor infrastructure in relation to public transport, lack of bus services and lack of parking spaces in Sallins Railway Station. He stated that he welcomed the link road being completed to help alleviate traffic congestion in Clane.

Councillor Fitzpatrick echoed Councillor Weld’s comments. He stated that he had no objection to the construction of dwellings but that residents in the area were very concerned about the density of the development. He stated that at the preplanning meeting on 12 June the development of 2 storey buildings was discussed and noted this had now increased to 4 storey apartments. He stated he was totally against 4 storey apartments being built at the entrance to Clane as they would attract anti-social behaviour. Councillor Fitzpatrick stated that the crèche should be built in the first phase of the development and that all roads should be constructed at the first phase also. He asked if the members would see the Chief Executive’s Report before it was submitted to ABP and Mr Lynch stated the members would not see the report before it was submitted.

Councillor Ward stated that he supported what his colleagues had said and stated 4 storey buildings were not in keeping with the Clane LAP. He noted that car parking spaces were not adjacent to properties which would cause problems in the future.

Councillor Feeney stated that she supported more housing but roads and services were needed first and the crèche should be built in the first phase and 49 childcare spaces were not sufficient. She stated that the density was too high and car parking spaces were not sufficient. She further stated that the application was not in keeping with the development of Clane.

Councillor Durkan stated that he had attended meetings in Clane recently and residents were not opposing the development of the site but were opposed to the pack and stack approach in relation to density. He stated that the application contravened the Clane LAP and the CDP and stated 13 metre high apartment blocks situated 25 metres from a bungalow was not proper planning. Councillor Durkan stated that in accordance with the CDP every apartment required 1.5 car parking spaces which amounted to 15-20 spaces per hectare and stated this application was proposing up to 30 spaces per hectare. He stated that the Clane LAP indicated a mix of 2 storey buildings in this area and as this application was proposing 4 storey apartments, it was not in compliance with the LAP.

Councillor Durkan stated that infrastructure for the size of this development was lacking and the site would be overlooking existing houses. He stated that the application breached national policy in relation to overshadowing. Councillor Durkan stated that apartment block 2 breached 172.4 of the CDP its distance from the bungalow was 6.9 metres. He stated that a document had issued in October 2018 in relation to open space and children's play provision stated playgrounds should have safety walls. Councillor Durkan stated that the car parking spaces were clearly lacking and stated the sewage capacity facilitated up to 220 dwellings and the proposed development was for 366 dwellings. He stated that there was nothing in the application in relation to additional sewage capacity from Irish Water.

Councillor Wyse stated that he would like to know what the targeted density was for the development and stated 4 storey apartments were not suitable for the area. He stated that additional parking spaces to facilitate people using the crèche had not been considered. Councillor Wyse stated that the provision of a crèche was included in the developer bond and it was essential this facility was provided otherwise the council should retain the cost of

building the crèche. He stated that the schools and medical services in Clane were at full capacity and the application did not consider the additional educational and medical services needed. Councillor Wyse stated that there was no commitment from Irish Water to say they would be connecting 366 dwellings to the sewage system and he noted the Bord had a list of issues including infrastructure restraints in relation to the application.

Councillor Farrelly stated that he concurred with all comments raised by his fellow members and he did not welcome the development given the fact that 35 hectares or more should only be considered for development where there was high frequency transport to support the additional population. He stated that the developer for the Abbottfield Estate was now seeking to remove the crèche and asked for the opinion of planners if this could be done. Councillor Farrelly stated that the height of blocks 1 and 2 were not acceptable and that the school capacity assessment was poor.

Councillor Hamilton stated that he supported higher density and affordable homes but in this case the density was too high. He asked that there were already public transport problems in the area and another train station with a park and ride facility was required long term. Councillor Hamilton stated that the crèche should be part of the first phase and a space for a GP clinic should be included in the development. He stated that he had not seen any permeability allowance for pedestrians on the new road for the site and stated the six hedgerows on the site should be kept.

Councillor Ó Cearúil stated that the proposed development was not in keeping with the Clane LAP and stated it was a development which was more suitable for the outskirts of a city. He stated he did not agree with SHD applications going directly to the Bord removing the input of the Planning and Strategic Development Department and stated the application was not fit for purpose. Councillor Ó Cearúil stated that there were no services in place to support the development and stated ABP were supporting increased densities which in this instance were too high..

Mr Lynch informed the members that the central spine road was on a road with a cycle lane and bicycle parking in the car park areas. He stated that with regard to the Chief Executive's Report it was an executive function and there was no provision for the members to see it before it was submitted to ABP.

Councillor Weld thanked the planning staff for their input and stated the members would also make their own submissions to the Bord.

CM06/0719

Commercial Units, Chambers Park

The members considered the following question in the name of Councillor Ward.
Can the council update this Municipal District Committee on the sale of the commercial units in Chambers Park, Kilcock?

A report was received from the Roads, Transportation and Public Safety Department informing the members that Kildare County Council had been advised by the Asset Managers that the commercial units were to be included in the BIDX1 Auction on 11 July and it is hoped that the sale would be completed by mid August.

Councillor Ward asked for clarification as to what conditions were in place to specify what commercial uses the units could be used for.

The report was noted.

CM07/0719

Road signage on the Butterstream/Loughanure Road

The members considered the following motion in the name of Councillor Farrelly.
That the council updates existing signage and adds additional road signage on the Butterstream/Loughanure Road in Clane with the specific aim to reduce speeding.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that the existing signage on this route would be reviewed and replaced if it was determined that speed limit signs were required. In addition, the council would also investigate the necessity for additional road markings warning vehicles to "SLOW."

Councillor Farrelly and Councillor Weld raised their concerns that certain roads in Clane were being used as rat runs and stated the Butterstream/Loughanure was under strain with

speeding vehicles. Councillor Farrelly asked if there was a time-line and location for signs to be installed.

Resolved on the proposal of Councillor Farrelly, seconded by Councillor Weld that the report be noted and the A/District Engineer reverts with a plan specifically aimed to reduce speeding.

CM08/0719

Path from Mylerstown Crossroad

The members considered the following motion in the name of Councillor Weld.

That the council provides a path from Mylerstown crossroad to Robertstown Village.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that there was not sufficient existing road width to deliver an appropriate footpath. Delivering such a facility would require significant land acquisition and as funding was not in place there were no current proposals to provide a footpath.

Councillor Weld stated that he was disappointed with the report in terms of the road width not being sufficient stating and asked why the road was not suitable. Councillor Fitzpatrick stated he did not agree that such works for footpaths required significant land acquisition and stated he had not seen this reason given previously on any reports relating to footpaths. The motion was supported by Councillor Hamilton.

The A/District Engineer stated this particular area was outside the remit of the Clane-Maynooth Municipal District until January 2020. He stated the area in question did not have the necessary width for the footpath and he would be happy to meet councillors on site to discuss the matter further. Councillor Weld agreed a meeting on site would be beneficial. Councillor Durkan and Councillor Ó Cearúil suggested that the Municipal District Engineer for Kildare-Newbridge and Clane-Maynooth attend meetings until the new engineering areas were officially handed over in January 2020.

The District Manager stated that the Roads, Transportation and Public Safety Department would have to consider the availability of resources for two Municipal District Engineers to

attend meetings. She stated that the Roads Department would be asked if the Municipal District Engineer for Kildare-Newbridge was available to attend the next meeting and stated there was no problem with the members contacting any Municipal District Engineer at any time in between meetings.

Resolved on the proposal of Councillor Weld, seconded by Councillor Durkan that the report be noted and the Municipal District Engineer for Kildare-Newbridge subject to availability be asked to attend the next meeting.

CM09/0719

Footpath from the end of Cushalla Estate to Bond Bridge

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

That the council provides a cost estimate for the works required to continue the footpath from the end of Cushalla Estate to Bond Bridge on the R415 in Allenwood.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that there was approximately 100 meters between the existing footpath and Bond Bridge. However, there was also an open drain, which would require piping and infilling along this route in addition to an ESB substation and potential land acquisition which would be required to deliver such a facility. The cost of the footpath element alone would cost in the region of €35,000 plus ESB and land acquisition costs.

Councillor Wyse stated that this short section of footpath was essential for the village of Allenwood and stated in preparation for the Greenway this section of footpath must be built. He stated otherwise services provided for tourists in Allenwood would not be accessible to visitors on the Greenway. He stated the facility referred to in the report as an ESB substation was actually a pumping station for the local waste water system. Councillor Weld asked that the council prepare appropriately for the Greenway by putting plans in place to install this section of footpath over the next few years. Councillor Fitzpatrick supported the motion and asked if costings for the installation of a footpath from the end of Cushalla Estate to Bond Bridge on the R415 in Allenwood could be provided. Councillor Weld requested that this item remain on the progress report.

Resolved on the proposal of Councillor Wyse, seconded by Councillor Fitzpatrick that the report be noted and costings for the installation of a footpath from the end of Cushalla Estate to Bond Bridge on the R415 in Allenwood be provided to the members and that this item remain on the progress report.

CM10/0719

Roads in the Allenwood South and Ballyteague

The members considered the following motion in the name of Councillor Fitzpatrick. That the council prioritise roads in the Allenwood South and Ballyteague areas with a view to upgrading surfaces that have fallen into very poor condition.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that it should be noted that a significant volume of investment was undertaken in this area last year using funding allocated through the Severe Weather Programme from the Department of Transport, Tourism and Sport (DTTAS). Road maintenance was prioritised based on the strategic importance of the road, the pavement condition survey index rating, and traffic volumes utilising the road. These factors were all taken into account when developing annual and multi-annual road maintenance programmes. The council would consider this request in developing future annual work programmes.

Councillor Fitzpatrick stated the roads in Ballyteague and Allenwood were in poor condition and requested costings for road improvement works to be carried out on roads in Allenwood South and Ballyteague areas be provided to him. He requested that this item remain on the progress report. Councillor Wyse supported the motion.

Resolved on the proposal of Councillor Fitzpatrick, seconded by Councillor Ó Cearúil that the report be noted and that costings for road improvement works to be carried out on roads in Allenwood South and Ballyteague areas be provided to the members and that this item remain on the progress report.

CM11/0719

Footpath from Allenwood Cross to Skew Bridge

The members considered the following motion in the name of Councillor Fitzpatrick.
That the council investigate the possibility of putting a footpath from Allenwood Cross to Skew Bridge.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that Skew Bridge was located 1 kilometre west of Allenwood Village and was rural in character. There was not sufficient existing road width to deliver an appropriate footpath. Delivering such a facility would require significant land acquisition and as funding is not in place there are no current proposals to provide a footpath.

Councillor Fitzpatrick asked that costings be provided to install a footpath from Allenwood Cross to Skew Bridge. Councillor Wyse supported the motion and asked if further details in relation to land acquisition could be provided. The A/District Engineer stated he would look at these areas when arranging a site visit with councillors to look at the footpath from Mylerstown to Robertstown village.

Resolved on the proposal of Councillor Fitzpatrick, seconded by Councillor Wyse that the report be noted and the A/District Engineer arrange a site visit with councillors to clarify details of works required for the construction of a footpath from Allenwood Cross to Skew Bridge.

CM12/0719

Pay Parking Bye-Laws for Maynooth

The members considered the following motion in the name of Councillor Ó Cearúil.
That the Pay Parking Bye-Laws for Maynooth are reviewed to allow free parking on Saturday and to maximise the benefits of the scheme.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that while this was a matter for the members, the Pay Parking Section advised that their records indicated that Saturdays in Maynooth were on average the busiest days of the week. The purpose of pay parking was to ensure turnover and access for businesses on the streets and to facilitate people visiting the town. The removal of an enforcement presence by Kildare County Council at weekends may lead to increased unauthorised parking (i.e., on footpaths, blocking entrances, double yellow lines etc.) and lack of parking space availability on the streets for local residents, shoppers and visitors to the town.

Councillor Ó Cearúil stated that Maynooth was a great example of successful pay parking. He stated in his opinion pay parking in Maynooth was not required on Saturdays and stated he had spoken with local businesses and they agreed. Councillor Ó Cearúil proposed a review of the Pay Parking Bye-Laws for Maynooth to allow free parking on Saturday and to maximise the benefits of the scheme.

The District Manager stated a full review of bye-laws would be required and suggested alternatively, the Roads, Transportation and Public Safety Department could provide statistics confirming usage of the pay parking. She stated the current system was working well and stated a review at this stage would be premature. Councillor Weld disagreed with the motion and stated the bye-laws were relatively new and were working well. Councillor Ó Cearúil stated he was happy with the District Manager's suggestion for the Roads, Transportation and Public Safety Department to provide statistics highlighting current use of the parking.

Resolved on the proposal of Councillor Ó Cearúil, seconded by Councillor Farrelly that the report be noted and that the Roads, Transportation and Public Safety Department provide statistics highlighting usage of the pay parking in Maynooth.

CM13/0719

Traffic Calming on the Barberstown Road

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

That a ramp be installed on the Barberstown Road prior to Straffan Gate estate to tackle speeding traffic approaching the estate and the village.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that the council would arrange for traffic speed and volume surveys to be conducted at this location in September once traffic volumes had returned to normal. The results will be forwarded to the Technical Assessment Advisory Group (TAAG) and Speed Limit Review Team for consideration. It should be noted also that location in question was within the existing 50km/hr speed zone.

Councillor Ó Cearúil stated he did not accept the report as he wanted work carried out. He stated there were serious speeding issues on the Barberstown Road and a ramp would slow vehicles down. He stated waiting for the TAAG team to conduct traffic speed and volume surveys was not a satisfactory answer as previous items referred to the TAAG team in the last 2-3 years were still awaiting outcomes. Councillor Durkan supported the motion and asked if a ramp could be installed.

The A/District Engineer stated as outlined surveys would be carried out by the council. He stated the process for Kildare County Council was for the TAAG team to follow up on such cases. He stated resources were currently being allocated to the TAAG team and he would liaise with the Senior Executive Officer in the Roads, Transportation and Public Safety Department in relation to this item. Councillor Weld asked how long the survey would take and the A/District Engineer stated three days and then a report could be circulated to the members. Councillor Weld asked if the members could have a report for the September meeting and the A/District Engineer confirmed a report would be available for the September meeting. Councillor Weld requested that this item remain on the progress report.

Resolved on the proposal of Councillor Ó Cearúil, seconded by Councillor Durkan that the report be noted and that a report outlining the results of the traffic speed and volume surveys be issued to the members for the September meeting and that this item remain on the progress report.

CM14/0719

Traffic Calming Measures on Connaught Street, Kilcock

The members considered the following motion in the name of Councillor Durkan.

That the council carry out immediate traffic calming measures on Connaught Street, Kilcock.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that the developer on the lands adjacent to Connaught Street had been conditioned to provide road improvement along Connaught Street as part of their planning application. The Roads Planning Team was liaising with the developer in relation to the nature of the works which would be undertaken.

Councillor Durkan asked if there was a timeframe for road improvement works to be carried out and the A/District Engineer stated he was going to arrange a meeting with the developer and stated Councillor Ward and Councillor Durkan were welcome to attend the meeting.

Resolved on the proposal of Councillor Durkan, seconded by Councillor Ward that the report be noted and that the A/District Engineer arrange a meeting with the developer.

CM15/0719

Cycle Lane and Footpath on the Celbridge Road, Maynooth

The members considered the following motion in the name of Councillor Durkan.

That the council expedite the provision of an improved cycle lane and footpath on the Celbridge Road, Maynooth.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that In February 2019, an outline drawing showing a proposed widening of the footpath along the Celbridge Road, as well as improvements to the drainage system, was distributed to the members. At the Maynooth Municipal District meeting in May 2019, a report was provided by the Roads, Transportation and Public Safety Department advising that the members views on these proposals was requested before advancing the

scheme to the next stage, i.e., public consultation, detailed design and formal request of funding. A copy of the design proposal was circulated for the member's consideration.

Councillor Durkan stated that an improved cycle lane and footpath was crucial as there was no protection for small children walking to school given the fact there were 750 students between the two schools. He stated he had used LPT money last year to install a footpath on the opposite side of the road. Councillor Durkan stated he wanted the proposal to go to public consultation and works to be completed before the next school term.

The A/District Engineer stated that if the members were in agreement a Section 38 application could be put forward for public consultation and stated funding would be sought from the National Transport Authority (NTA). He stated that the documentation could be prepared within a couple of weeks and then there would be a six week window for submissions to be submitted to the council.

Resolved on the proposal of Councillor Durkan, seconded by Councillor Wyse and agreed by all members present that the report be noted and a Section 38 process for the provision of an improved cycle lane and footpath on the Celbridge Road, Maynooth be progressed immediately.

CM16/0719

Disused Road Signs/Poles in Kilcock

The members considered the following motion in the name of Councillor Ward.

That the Council undertake to review and repair numerous broken road signs and disused poles in and around Kilcock.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that the Municipal District Office would schedule a review of broken road signs and disused poles in Kilcock. This would be completed in the coming weeks.

Councillor Ward stated he would forward a list of broken road signs and disused poles in and around Kilcock to the Clane-Maynooth Municipal District Office.

Resolved on the proposal of Councillor Ward, seconded by Councillor Durkan that the report be noted.

CM17/0719

New footpath in Maynooth

The members considered the following question in the name of Councillor Feeney.

Can the council confirm when will the new footpath be laid between Fitzgerald, Brady, O'Flaherty, Estate Agents and The Square, Maynooth and what are the plans for replacing the rest of the footpath on Main Street?

A report was received from the Roads, Transportation and Public Safety Department informing the members that the council was currently liaising with Irish Public Bodies (IPB), in relation to approval of a proposal to renew the footpaths in this location. The funding allocation would determine the volume of works which could be undertaken. It was envisaged that the initial section would be tendered in Quarter 3, 2019.

Councillor Feeney asked for information detailing the design and type of material being used for the path and asked if there were plans for the remainder of the Main Street. The A/District Engineer stated that a report had been prepared and submitted to the Irish Public Bodies (IPB) which was awaiting approval. He stated that the same materials which were used on the footpaths in Celbridge were being used.

The report was noted.

CM18/0719

Cobblestone Path in Kilmeague

The members considered the following question in the name of Councillor Farrelly.

Can the council update members as to the current situation regarding the cobblestone path in Kilmeague?

A report was received from the Roads, Transportation and Public Safety Department informing the members that the cobblestone path in Kilmeague was located in the area covered by the Kildare-Newbridge Municipal District for financial and operational purposes until January 2020. A report from the Kildare-Newbridge Municipal District Engineer was outlined below:

A meeting was held on the 03 April with Kilmeague Tidy Towns and the residents of the village. At the meeting, Kilmeague Tidy Towns had professional representation in the form of a stone mason and a consultant, Ms Caroline Gethings. It was agreed that the Municipal District Engineer would meet with Ms Gethings as the representative of the Tidy Towns to agree a proposal that would meet with current standard and regulations. The Kildare-Newbridge Municipal District Office held a subsequent meeting with Ms Gethings on site in Newbridge House, Fingal County Council, where cobbles similar to those in Kilmeague were used as a surround for footpaths. Following this meeting, Ms Gethings held a meeting with Tidy Towns to discuss and present a proposed way forward to encompass the uses of the cobbles, while meeting the standards of a public footpath. The Kildare-Newbridge Municipal District Office had a subsequent meeting with Ms Gethings, and it was agreed that she would forward her recommendations to Kildare County Council and it was the intention to proceed to carry out the footpath works in Kilmeague Village.

The report was noted.

CM19/0719

Taking in Charge Process

The members considered the following question in the name of Councillor Wyse.

Can the council review the procedures that are in place for following through on cases where the public insist that a road has been taken in charge, in order to prevent a repeat of the Killina Lower Road which was mistakenly thought to be a private road?

A report was received from the Roads, Transportation and Public Safety Department informing the members that Kildare County Council maintained an electronic record/map of all roads within its charge in the county via the MapRoad system, which had been developed since 2014 by the local authority sector and the Department of Transport Tourism and Sport (DTTAS) to support local authorities in managing their road asset. All new roads constructed were added to this register. In responding to queries regarding public roads, the council examined the electronic record in the first instance and also other historical archived records.

The definition of a road/public road was set out in the Roads Act, 1993 (No. 14 of 1993):

- 'public road' means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority,

- 'maintenance' in relation to public roads includes improvement and management, and
- 'local road' means a public road other than a national road or a regional road;

It should be noted that the Supreme Court recently drew a distinction between a "public road" and a "public right of way" in *Walsh v. Sligo C.C.* [2013] 4 I.R. In the Supreme Court, Fennelly, McKechnie and Mac Menamin JJ. stated:

"[52] As the trial judge explained, a distinction must be made between a public road and a public right of way. The latter may exist over any particular route, but it is not a public road unless and until it is taken in charge by a local authority pursuant to statute. Sections 24 and 25 of the Roads Act 1925, referred to by the trial judge, were repealed by the Roads Act 1993. The obligation of maintenance by the local authority as road authority appears to be contained in s. 11 of that Act."

. It is accepted that the road is a public road within the meaning of s. 2(1) of the Act of 1993 which defines a public road as:

'a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.'

90. Section 13 of that Act provides the duty and power of the local authority to maintain and construct public roads, the provision for the so called 'taking in charge' of roads.

The report was noted.

CM20/0719

Safety Review of Rahan, Ballindoolin

The members considered the following question in the name of Councillor Fitzpatrick. Can the council carry out a safety review of Rahan, Ballindoolin, on the Edenderry to Kinnegad Road?

A report was received from the Roads, Transportation and Public Safety Department informing the members that the council would arrange for traffic speed and volume surveys

to be conducted at this location. A countywide speed limit review was currently being undertaken and the results of the surveys would be forwarded to the Speed Limit Review Team. A review of signage and anti-skid material at the location would also be undertaken.

Councillor Fitzpatrick asked if accidents on this road were reported to the council and the A/District Engineer stated the council did not receive day to day reports on accidents but had access to the Road Safety Authority (RSA) database. Councillor Fitzpatrick asked when the countywide speed limit review would be completed and the A/District Engineer stated he would revert to Councillor Fitzpatrick with a timeframe. Councillor Weld asked if a briefing on the county speed limit review could be given to the newly elected members of the Clane-Maynooth Municipal District. The District Manager confirmed a briefing would be arranged for the new members.

The report was noted.

CM21/0719

Roadworks in Derrinturn Village

The members considered the following question in the name of Councillor Fitzpatrick. Can the council confirm when work will commence on the proposed works between the church and the shop in Derrinturn village?

A report was received from the Roads, Transportation and Public Safety Department informing the members that a review of the design for the works at this location was underway and on completion the council would seek a price to undertake the works.

It was envisaged that this would be undertaken in Quarter 3, 2019.

The report was noted.

CM22/0719

Traffic Lights Meadowbrook Junction, Maynooth

The members considered the following question in the name of Councillor Ó Cearúil.
Can a full review of the traffic lights in Maynooth be carried out, particularly at the Meadowbrook junction, following numerous incidents?

A report was received from the Roads, Transportation and Public Safety Department informing the members that if Councillor Ó Cearúil could refer details of incidents referred to at the Meadowbrook junction to trafficlights@kildarecoco.ie, the Traffic Management Section would investigate.

Councillor Ó Cearúil stated his question had not been answered and stated he had asked for a full review of the traffic lights. He asked if a review on driver's behaviour could be carried out. The A/District Engineer stated he would liaise with the Roads, Transportation and Public Safety Department in relation to the functioning of the traffic lights. The meetings administrator confirmed the item under consideration was a question and if action was needed a motion was required.

The report was noted.

CM23/0719

Footpath from Sweeney's Cross to the Church in Rathcoffey

The members considered the following question in the name of Councillor Durkan.
Can the council provide a costing for the provision of a footpath from Sweeney's Cross to the Church in Rathcoffey?

A report was received from the Roads, Transportation and Public Safety Department informing the members that there was approximately 900 metres between the existing footpath at the Church and Sweeney's Bend. The cost of the footpath element alone would cost in the region of €300,000 in addition to land acquisition costs, legal costs, and other Roads, Transportation and Public Safety Department internal resources required.

The report was noted.

CM24/0719

Footpath from Straffan National School to Straffan Manor Housing Estate

The members considered the following question in the name of Councillor Durkan.

Can the council confirm when will the footpath be completed from Straffan National School to Straffan Manor Housing Estate?

A report was received from the Roads, Transportation and Public Safety Department informing the members that the developer of the lands to the rear of the National School had been conditioned to provide road improvements along this section of road. The Roads Planning Team was liaising with the developer in relation to the nature of the works that would be undertaken.

Councillor Durkan asked if there was a timeframe for completion of the works on the footpath and stated the footpath was the same width for the entire stretch of road. The A/District Engineer stated there was one section of footpath missing and the council were liaising with the developer on site. He stated he was not aware of any pinch points and stated he would meet Councillor Durkan on site to discuss the matter further.

The report was noted.

CM25/0719

Parking of Large Commercial Vehicles

The members considered the following question in the name of Councillor Ward.

Can the council update this Municipal District on the procedures/sanctions it can use to discourage the parking of large commercial vehicles in defined residential areas/housing estates?

A report was received from the Roads, Transportation and Public Safety Department informing the members that A 3 tonne weight restriction limit could be implemented on certain roads following a Section 38 Public Consultation process. This may also require amendments to the existing Parking Bye-Laws.

Councillor Ward stated it was large trucks parking in defined residential areas he was referring to. He stated that the S.I. No. 182/1997 - Road Traffic (Traffic and Parking) Regulations, 1997 36 sub section (2) (c) (i) (k) refers to parking destructions

and asked if it would be possible for traffic to issue tickets to parked vehicles which fell into these categories. The District Manager stated that it would be a matter for public consultation which some residents may be in favour of and some may be opposed to. The report was noted.

CM26/0719

Wall surrounding Donadea Forest Park

The members considered the following question in the name of Councillor Weld.
Can the council engage with Coillte regarding the continuous decline and deterioration of the wall surrounding Donadea Forest Park and provide a plan of action?

A report was received from the Planning and Strategic Development Department informing the members that Coillte had advised that it expects to have a conservation survey of the wall completed by the end of August 2019. The Forest Manager had obtained agreement in principle to remove some of the trees currently causing damage to the wall. Coillte was hoping to have a corridor of c.4 m around the inside of the wall to ensure a clearance between trees and the wall.

Councillor Weld asked if it was possible for the Chief Executive of Kildare County Council to write to the CEO of Coillte requesting him to attend a meeting in order to set up a committee with council officials and two local residents to devise a plan for dealing with the deterioration of the wall. Councillor Weld requested that this item remain on the progress report. The report was noted.

CM27/0719

Resources to Robertstown in Relation to litter

The members considered the following motion in the name of Councillor Farrelly.
That the council increases the current resources allocated to Robertstown village in relation to litter, litter warden, litter bins and litter signage.

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

A report was received from the Environment and Water Services Department informing the members that a review of litter management in the village would be undertaken.

A report was also received from the Roads, Transportation and Public Safety Department informing the members that due to financial and resource constraints it was not possible to allocate additional resources to litter collection services in 2019. Members are advised that this budget was allocated by the Environment Section and if additional resources were required the members could seek an increase in this budget for 2020.

Councillor Farrelly stated this motion had been submitted on behalf of the boys and girls at Brownstown School. He thanked Mr Dunne for his report and asked that the council meet with the boys and girls of Brownstown School.

Resolved on the proposal of Councillor Farrelly, seconded by Councillor Ó Cearúil that the report be noted and that the council meet with the boys and girls of Brownstown School as part of the of litter management review in Robertstown Village.

CM28/0719

Litter Collection Services/Allocation and bins in Kilcock

The members considered the following motion in the name of Councillor Ward.

That a review be undertaken of the litter collection services/ allocation and style/size of bins in and around Kilcock town centre as the current service is not adequately coping with the litter issue at the weekends in Kilcock.

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

A report was received from the Environment and Water Services Department informing the members that the litter services in the town would be examined to establish requirements. Any changes in services would be dependent on budget resources.

A report was also received from the Roads, Transportation and Public Safety Department informing the members that due to financial and resource constraints it was not possible to allocate additional resources to litter collection services in 2019. Members were advised that this budget was allocated by the Environment Section and if additional resources were required the members could seek an increase in this budget for 2020.

Councillor Ward stated that local business in Kilcock felt let down by the current litter collection services and stated the openings were too small on the bins in The Square, Kilcock .

Mr Dunne stated that the possibility of allocating a road sweeper person to Kilcock would need to be costed. He stated bins had smaller openings to prevent people using them for domestic refuse and stated staff were resourced through the Clane-Maynooth Municipal District Office. Councillor Ward stated that the bins with narrow openings were not appropriate in this particular area and stated it would not cost much to replace them.

The District Manager stated that during the recession road sweeping budgets had been cut in all towns. She stated that the members could look at increasing resources in this area by cutting funding from another area when discussing the budget in September. Councillor Durkan supported the motion and asked if costings for allocating a road sweeper person could be provided and stated he and Councillor Ward could look at allocating LPT monies toward the cost.

Resolved on the proposal of Councillor Ward, seconded by Councillor Ó Cearúil that the report be noted and the Environment Section provide costings for appropriate bins for The Square in Kilcock and the allocation of one road sweeper person for Kilcock.

CM29/0719

Allenwood North Pumping Station

The members considered the following question in the name of Councillor Wyse.

Can the council confirm what is the current status of the land dispute at the Allenwood North Pumping Station and what progress has been made in the last month, towards resolving it?

A report was received from the Environment and Water Services Department informing the members that Kildare County Council was satisfied that the issue relating to the landowner in question was moving towards a conclusion. It was usually best not to comment (publically) on such matters until resolved. All such projects were now a matter for Irish Water as part of its Capital Programme. The local authority was merely an agent for executing the works. Having said this, the overall position was very positive. Kildare County Council had been pressing for these works for some time and it was anticipated, subject to resolution of the aforementioned issue, that the project could hopefully go to tender later this year. In turn, there would be significant and far-reaching benefits for householders in the Allenwood North/Bluetown area as the existing vacuum system had been less than satisfactory.

Irish Water was the national water utility responsible for the delivery of water services to homes and businesses in Ireland. For future queries the elected member should contact Irish Water via the dedicated Local Representative Service Desk in compliance with Irish Water instructions and protocol. The contact details were as follows:

Telephone: 1850178 178 or 01/7072854 Email: localrepsupport@water.ie

The report was noted.

CM30/0719

Health Centre in Carbury Village

The members considered the following motion in the name of Councillor Weld.

That the council outline its plans for the old health centre in Carbury village and that the “Care of the Aged” be considered as the anchor tenant as this service was previously held there.

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

A report was received from Housing Department informing the members that the Housing Capital Section had plans to construct four dwellings at the site in Carbury. The Stage 1 application was due in to the Department of Housing, Planning and Local Government (DHPLG) in this quarter. The former health centre would be available for use by Community Groups once refurbished. Further consideration on the funding for the refurbishment of the former health centre would have given by the council as the DHPLG did not provide funding for expenditure un-related to the Housing element of the site.

Councillor Weld noted from the report that more dwellings were going to be constructed on the site and asked who would own them and what they would be used for. He stated Care of the Aged had provided very good services in the Carbury area and as Care of the Aged had been previous tenants he asked hat they be given priority to be tenants for the new dwellings. Councillor Weld suggested the site could be looked at to provide sheltered accommodation for elderly people and facilitate Care of the Aged in providing services.

The District Manager stated that further information was required from the Housing Department to confirm intended use for the houses and who would own them. She also

stated that the Community and Cultural Development Department would look into the possibility of Care of the Aged using the building.

Resolved on the proposal of Councillor Weld, seconded by Councillor Ó Cearúil that the report be noted and that the Housing Department confirm the intended use for the new houses and the Community and Cultural Development Department look into the possibility of Care of the Aged using the old health centre building to provide services.

CM31/0719

Allenwood Playground

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

That the council initiates and leads the discussions with the ESB and ACDAL to resolve the legal issues that are preventing the Allenwood Playground project from progressing.

Councillor Fitzpatrick stated that having regard to the requirement of Section 171 of the Local Government Act 2001 as amended and due to him being a member of the ACDAL Board of Directors, he was excusing himself from the meeting whilst this motion was being debated.

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

A report was received from the Community and Cultural Development Department informing the members that the Parks Section was arranging a meeting with ACDAL to discuss the feasibility of alternative location options. Any potential alternatives would be assessed with the view of expediting the provision of a playground in the Allenwood area.

Councillor Wyse stated that the lack of a playground in Allenwood was a significant issue for the area. He stated that he joined Allenwood Tidy Towns in order to get the initial project up and running and was disappointed when it came to a standstill. Councillor Wyse stated that in order to complete the County Development Plan (CDP) objective for Allenwood and facilitate the provision of a playground facility in Allenwood the council should be the main stakeholder and that if the original site was no longer available he would assist the Parks Section in identifying other alternative sites.

The District Manager informed the members that she shared their disappointment that the playground project had stalled as council staff had carried out a lot of work on the project and stated discussions with the ESB had led the council to believe it was an issue which could be resolved. She stated the Parks Section were of a different view as there was a stipulation that when the ESB move out of the premises the land could not be used for recreation purposes. The District Manager stated the Parks Section was looking for alternative sites.

Resolved on the proposal of Councillor Wyse, seconded by Councillor Weld that the report be noted.

CM32/0719

Carton Avenue

The members considered the following question in the name of Councillor Feeney. Following on from the Special Meeting of the Maynooth Municipal District held on 12 April 2019, can the council respond to the recommendation made to them to reduce the width of the four metre bridge from Limetree Hall Estate into Carton Avenue, Maynooth?

A report was received from the Economic, Community and Cultural Development Department informing the members that the Councillor's recommendation was noted, however, as was explained to the members on the day of the special meeting this referred to an executive function. It was also stated that the developer had already been given the go ahead by Kildare County Council to carry out the agreed schedule of works in compliance with the planning permission for the development.

Councillor Feeney asked if the width of the bridge would be reduced and the District Manager stated that there was a technical reason why the bridge was four metres wide. She stated that discussions in relation to Carton Avenue had been ongoing since last October and a special meeting had taken place in April 2019 when the members had been informed that future works on the avenue did not require a Part 8 consultation process as the developer was carrying out the works in compliance with a valid planning permission which was governed by an executive function. She stated that the points raised by the Carton Avenue Preservation Society had been noted. Councillor Feeney stated she was disappointed no changes could be made but noted the matter was an executive function of the council.

The report was noted.

CM33/0719

Suspension of Standing Orders

The Cathaoirleach proposed to suspend standing orders at 1:00 p.m. for ten minutes to facilitate the completion of the meeting.

Resolved on the proposal of Councillor Weld, seconded by Councillor Ward and agreed by all members present that standing orders be suspended for ten minutes until 1:10 p.m.

CM34/0719

The Cathaoirleach requested that item 32 and 33 on the agenda be taken together. All the members agreed.

Item 32

Prosperous Town Park and Playground

The members considered the following question in the name of Councillor Farrelly.

Can the council outline the current status of the Prosperous Town Park and playground development and confirm whether funding has been allocated for the entire development?

A report was received from the Economic, Community and Cultural Development Department informing the members that following the completion of substantial drainage works to alleviate flooding issues on the site, the project was now moving to detailed design and construction. Funding of €100,000 was received from the Town and Village Renewal Scheme 2016. However, the full cost of the development of the park will only become clear once the detailed design had been completed.

Councillor Farrelly asked if the costs for the drainage works would be taken out of the funding for €100,000 received from the Town and Village Renewal Scheme. He asked if there was a detailed breakdown of the overall cost of the playground and asked if works on the playground would be staged in different phases or done all at once.

The report was noted.

Item 33

Public Park for Prosperous

The members considered the following question in the name of Councillor Weld.
Can this Municipal District Committee be given a progress report, to include a time frame for the completion of the public park for Prosperous?

A report was received from the Economic, Community and Cultural Development Department informing the members that following the completion of substantial drainage works to alleviate flooding issues on the site, the project was now moving to detailed design and construction. The detailed design when completed, would inform the time-line for the full completion of the park.

Councillor Weld stated he had allocated €60,000 LPT money for the project and asked if this amount and the €100,000 received from the Town and Village Renewal Scheme was still secure.

The District Manager informed the members that Ms Hunt, Senior Executive Officer, Community and Cultural Development Department was ensuring the work would be completed to secure the funding. She stated she would arrange for a presentation to be given to the members at the September Municipal District meeting detailing progress on the site and stated it would be listed as an item on the agenda for the September meeting. The report was noted.

CM35/0719

Playground for Straffan

The members considered the following question in the name of Councillor Ó Cearúil.
Can the council confirm what progress has been made in providing a playground for Straffan?

A report was received from the Community and Cultural Development Department informing the members that under the Kildare Play Strategy 2018-2028 Straffan had been identified as one of the 19 locations in the country where it was proposed to provide a playground should

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a suitable site be identified. Potential location(s) may be identified under the Straffan Health Check which is currently out to tender.

The report was noted.

The meeting concluded.