



**Minutes of the Kildare Newbridge Municipal District
held at 10.00 am on Wednesday, 16 June 2021
via Microsoft Teams**

Members Present: Councillor K Duffy (Mayor); Councillors: A Connolly, N Connelly, N Heavy, F McLoughlin Healy, P O'Dwyer, T O'Dwyer, C Pender, R Power and M Stafford

Apologies: Councillor S Doyle

Officials Present: Mr J Boland (District Manager), Ms B Cuddy (District Engineer), Ms M Hunt (Senior Executive Officer), Ms Carmel O'Grady (Senior Executive Parks Superintendent), Ms S Scully and Mr M McLoughlin (Administrative Officers), Mr C O'Toole (A/Staff Officer), Ms K Keane (Meetings Administrator), Mr J Hannigan (Meetings Secretary) and other officials.

KN01/0621

Declaration of Pecuniary or Beneficial Interests

The Mayor welcomed everyone to the meeting and asked that if there were any declarations of interest under Section 177 of the Local Government Act 2001, as amended. There were no declarations of interest.

KN02/0621

Minutes and Progress Report

The members considered the minutes of the monthly meeting of the Kildare-Newbridge Municipal District meeting held on Wednesday 15 May 2021 together with the progress report.

Resolved on the proposal of Councillor Stafford, seconded by Councillor Ann Connolly and



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agreed by the members that the minutes of the monthly meeting of the Kildare-Newbridge Municipal District held on Wednesday 15 May 2021 be taken as read. The progress report was noted.

KN03/0621

Matters Arising

The Mayor conveyed Councillor Doyles apologies to the meeting confirming she accepted the reports provided on her motions and questions.

Curragh Post Office KN03/0720, KN34/0220

Councillor Ann Connolly sought an update on this item and queried why it was not on the Progress Report. She was advised that a letter had been sent and the council were awaiting a response and that if no response was received, the council would proceed with a statutory notice.

Donnolly's Hollow KN30/0720 and KN03/0521

As referenced in the District Managers report on this item, Councillor McLoughlin Healy enquired about the appointment of a qualified mediator and who had been appointed to the role. The District Manager advised that he hoped the appointment of this professional mediator would be confirmed in the coming weeks

Second Bridge for Newbridge

Councillor McLoughlin Healy asked why the feedback sought and received from the Department on the councils submission for this project, was not being made available to the members.

The District Manager advised this was not the case as the Director of Transport and the Senior Engineer had sought a meeting with the Department firstly to clarify the feedback received. He confirmed the executive were fully supportive of this project and were exploring other options on how it could be delivered. He stated there was a possibility that there might be a further round of URDF funding later in the year and if so, an application would be made for the second bridge again under this funding stream.



The meeting with the Department was scheduled to take place later this month and following that the members would be briefed. Mr Boland reiterated that this was a strategic project and had the full support of the executive.

KN04/0621

Update on the Municipal District Roadworks

The Municipal District Engineer updated members on the works taking place in the municipal district in June and early July

Road Resurfacing Works:

The surface dressing program started the previous Monday, Phase one will see the following roads receive a surface dressing over a period of two weeks.

- Bally Kelly Cross L7012
- L7001 Rathangan
- L7006 Punches Grange
- L7032 PollardsTown
- L7023 Pollardstown

60% of the Surface Dressing Program was completed

Restoration Improvement works were completed on the following roads since the previous meeting.

- Loughbrown (Moorefield GAA)
- Roseberry
- Raheens Caragh
- Bracknagh Road Rathangan

LPT:

- Works were completed in Pairc Mhuire
- Works had commenced in
 - Avondale – footpaths

The following miscellaneous works were ongoing across the municipal district:



- Verge cutting ongoing across all areas of the MD.
- Footpath repairs in Newbridge and Kildangan
- Pothole repairs across the MD
- Site preparation for Surface dressing
- General Maintenance – water cuts, patching, gully cleaning.

Councillor McLoughlin Healy enquired if there was any progress on getting the green area repaired and ramps/ lights repaired in The Oaks. The District Engineer informed the meeting that the contract had been awarded but the contractor had not come back on site and she would follow up on this.

Councillor P O'Dwyer enquired when would the footpaths in Dara Park be repaired. She was advised that these works would be carried out toward the end of the year.

The report was noted

KN05/0621

Allocation of other community projects LPT funding 2020 and members nominations 2021

The Mayor asked if there were any nominations from the members on this item.

Councillor Tracey O'Dwyer nominated an allocation of €400 to paint the wall of Morristown Housing Estate for their 50th anniversary

Councillor Ann Connolly nominated an allocation of €5000 for Ballysax Primary School Sports and Walking Track.

Councillor Heavey nominated an allocation of €3000 to Clongorey and District Development Association to assist in the development of a Bog Walk. Councillor Heavey advised that he was an ordinary member of the Clongorey and District Development Association



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Councillor Heavey nominated an allocation of €2000 to Ryston Pitch and Putt Club to assist in the hosting of the All Ireland Pitch and Putt Championship in August.

Resolved on the proposal of Councillor Peggy O'Dwyer seconded by Councillor R Power and agreed by the members, that the allocations as outlined be approved.

KN06/0621

To note the date and venue for the Annual Meeting.

A report was received from the Corporate Services Department informing the members that it was agreed at the May meeting of full council that Municipal District Committee meetings in July could return to the Council Chamber of the members were in agreement. In this regard, it was proposed that the Annual Meeting of the Kildare-Newbridge Municipal District Committee take place at 10am on Wednesday 21 July in the Council Chamber. It was also proposed to suspend Standing Order No 1 for the July monthly meeting, to enable it to commence at 10.30am. The agreement of the members was sought in this regard.

Councillor P O'Dwyer informed the meeting that she would not be comfortable moving back to in-person meetings in the Council Chamber to attend the July meetings noting there would be eleven councillors plus officials press and public in attendance . She stated she would prefer if the meetings continued online. A discussion took place on the options open to the members for their July meeting following which two proposals were put to the members: Following this discussion, the Mayor confirmed there were two proposals for the members to vote on and sought a show of hands vote on both options.

- That the annual meeting and the monthly meeting both be held online on the 21 July
- That the annual meeting be held in the Council Chamber at 9.30am and the monthly meeting commence at 11am via Microsoft teams.

The Meetings Administrator confirmed each proposal had received 4 votes and under standing orders, the Mayor had a casting vote.



Resolved with 4 members voting in favour and the Mayor allocating his casting vote bringing the total to 5 votes, the annual meeting be held in the Council Chamber at 9.30am and the monthly meeting commence at 11am via Microsoft Teams was agreed.

The Meetings Administrator confirmed that she would explore the possibility of accommodating Councillor P O'Dwyer to attend the Annual meeting from an outside location.

KN07/0621

Taking in charge of St Barbara's Park, Kildare and Orchard Park, Curragh Camp

The members considered the following question in the name of Councillor M Stafford

Can the council confirm the status of the negotiations with the Department of Defence regarding the taking in charge of St. Barbara's Park, Kildare and Orchard Park, Curragh Camp?

A report was received from Building and Development Control informing the members that the two estates in question are registered to the Department of Defence. The Council can consider the taking in charge of the two estates subject to an official request by the Department of Defence to taking in charge and provided the estates are completed to the councils required standards as outline in the Council's taking in charge policy. The required taking in charge standards and documentations have been forwarded to the Asset Management Section of the Department of Defence. St Barbara's Park and Orchard Park are not on the Council's taking in charge priority list for 2021.

Councillor Stafford asked for clarification on whether the documents had been submitted
The report was noted

KN08/0621

Traffic Calming Measures in Doorley Park, Rathangan

The members considered the following motion in the name of Councillor Ann Connolly:
That the council put in place traffic calming measures in Doorley Park, Rathangan.



The motion was proposed by Councillor A Connolly and seconded by Councillor Stafford

A report was received from the Roads Transportation and Public Safety Department informing the members that as with all requests for traffic calming measures, a technical assessment was required which must have regard to Kildare County Council Traffic Calming guidelines. The location could be included for technical assessment however, it should be noted that priority in the Municipal District is the delivery of the annual roads programme Councillor A Connolly accepted the report and advised the members that traffic calming measures were needed in this estate as the road was wide and there were houses on both sides of the road. There were issues with speeding.

The municipal district engineer advised that there were numerous locations within the municipal district that required traffic calming measures to be put in place.

Resolved on the proposal of Councillor A Connolly, seconded by Councillor Stafford and agreed by the members present that the report be noted

KN09/0621

Traffic Activity at Moores Bridge

The Mayor confirmed that Councillor Doyle accepted the report given on her motion. That the council examine the level of traffic activity at Moore's Bridge on the Curragh and make recommendations to reduce congestion.

A report was received from the Roads Transportation and Public Safety Department informing the members that the Municipal District Office has reviewed this location on several occasions with Irish Rail and the Roads Section. Irish Rail had requested we examine the possibility of putting lights on the bridge and on investigation, this would require realignment of the regional road to allow for a right turning lane. This would require agreement and possibly land take from the Curragh. There is no funding available for these works at present.



KN09/0621

Emergency Road Repair Works

The members considered the following motion in the name of Councillor Kevin Duffy
That the council undertake emergency road repair works on the L1002 Bracknagh Road, Quinsborro, Monasterevin as certain sections of the road are beyond repair and deteriorated.

The motion was proposed by Councillor K Duffy and seconded by Councillor McLoughlin Healy.

A report was received from the Roads Transportation and Public Safety Department informing the members that this location was not on the annual roads program for 2021, it will be included for consideration in the 2022 programme. This location was patched in recent weeks, and it will continue to be include in the routine maintenance programme.

Councillor Duffy accepted the report and advised that this road was in an extremely poor condition.

Resolved on the proposal of Councillor K Duffy, seconded by Councillor McLoughlin Healy and agreed by the members present that the report be noted

KN10/0621

Caution Narrow Bridge' sign at the junction of the R419 and L1002

The members considered the following motion in the name of Councillor:Kevin Duffy
That this council write to Offaly County Council to request the installation of a 'Caution Narrow Bridge' sign at the junction of the R419 and L1002 to warn HGV drivers that the Grand Canal lock bridge known as McCartney's is extremely narrow and not suitable for HGV traffic.

The motion was proposed by Councillor K Duffy and seconded by Councillor F McLoughlin Healy.



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A report was received from the Roads Transportation and Public Safety Section informing the members that this is a matter for the members to agree. If agreed, correspondence can issue as requested.

Councillor Duffy explained this was a very narrow bridge unsuitable for use by HGV's. He asked that the council write to Offaly County Council asking them to put up Warning signs advising HGV drivers that this bridge was not suitable for use by HGVs. The members agreed.

Resolved on the proposal of Councillor K Duffy and seconded by Councillor F McLoughlin Healy that the report be noted and a letter issue to Offaly County Council asking them to put up Warning signs advising HGV drivers that this bridge was not suitable for use by HGVs.

KN11/0621

Public Lighting

The members considered the following motion in the name of Councillor Mark Stafford: That the council install additional public lighting on walkway between the Square Kildare and the Kildare County Council car park and make safe the area.

The motion was proposed by Councillor M Stafford and seconded by Councillor A Connolly.

A report was received from the Roads Transportation and Public Safety Department informing the members that the Public Lighting Section will visit the location of the requested new street light, and it will be assessed then using the priority system within Kildare Lighting Infrastructure Priority Schedule (KLIPS). Lighting schemes will be scored on various factors and placed within KLIPS according to that score. The lighting within KLIPS will be installed as and when funds become available and depending on where the request sits within KLIPS. Please note there is currently no funding available in the Public Lighting Budget for provision of any additional street lighting.

Councillor Stafford informed the members that this lane linked the Square with the carpark and if it were properly lit and maintained it would give users more security. Even if the foliage



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was cut back and the area was tidied up this would be a help. It would also give members of the public security when using the lane.

The District Engineer advised that the Lane was in private ownership and that it would cost €20k to do a proper job and the consent of the landowner would be required.

Councillor Stafford stated that if there was a general scheme to upgrade the Square then this should include an upgrading of the Lane because as long as the car park was in use, the lane would be required.

Resolved on the proposal of Councillor M Stafford, seconded by Councillor A Connolly and agreed by the members that the report be noted

KN12/0621

Proposal to Ban HGVs using Double Ditch Lane

The members considered the following motion in the name of Councillor Noel Heavey
That the council consider the banning of HGV's on the narrow Double Ditch lane linking Rathangan - Naas road at Thomastown with Raheens - Derrens road, following a recent accident.

The motion was proposed by Councillor N Heavey and seconded by Councillor A Connolly

A report was received from the Roads Transportation and Public Safety Department informing the members that the placement of weight restrictions on a road under *Article 17 of the Road Traffic (Traffic and Parking) Regulations, 1997, (S.I. 182) Weight Restriction on Vehicles Entering a Road*, is an executive function carried out following consultation with An Garda Síochána. It should be noted that there is a licenced facility at this location which requires access by HGV's

Councillor Heavey asked the council to consider banning HGVs from the Lane as it was unsuitable for this type of traffic. His request came as a result of an incident where a lorry ended up in the garden of a house on the lane.

The members made the following comments:

- They supported the motion calling for the ban



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- Could they get a copy of the criteria for banning HGVs from Roads
- Was the licensed facility in compliance with their planning permission

The District Engineer advised there was some paperwork outstanding and this was being followed up on and confirmed that a planning permission existed for the facility, and this was not a long-term landfill.

Councillor Heavey advised that the licenced contractor was very careful and asked if an executive order or bye law could be used to limit access to HGVs going to the landfill. He was advised this was not possible.

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

KN13/0621

Flooding at Togher Road in Monasterevin

The members considered the following motion in the name of Councillor Noel Connolly
That the council address consistent flooding at Togher Road in Monasterevin, near the junction with Drogheda Street.

The motion was proposed by Councillor Noel Connolly and seconded by Councillor Kevin Duffy.

A report was received from the Roads Transportation and Public Safety Department informing the members that the Municipal District Office is aware of the issue. There are roots from the trees damaging the pipes, these pipes will need to be replaced and a number of additional gullies to be installed. The location has been included on the council's Drainage Works programme; however, it will possibly be 2022 before a budget is identified to progress the project. Jetting of the gullies at this location would continue as part of the routine maintenance programme

Duirt Comhairleoir Ó'Conghaile go raibh sé sasta leis an freagra



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Resolved on the proposal by Councillor Noel Connolly, seconded by Councillor Kevin Duffy and agreed by the members, that the report be noted

KN14/0621

Provision of a Safe Pedestrian Access between Ruanbeg and The Plains estates in Kildare Town.

The members considered the following motion in the name of Councillor Noel Connolly:
That the council investigate the provision of a safe pedestrian access between Ruanbeg and The Plains estates in Kildare Town.

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

A report was received from the Roads Transportation and Public Safety Department informing the members that a permeability link in the form of a new footpath (Permeability Link 23 & 24) between Ruanbeg and Coolaghknock Gardens (which links to the Curragh Plains) is proposed in the draft Kildare Town Transport Strategy.

Dúirt Comhairleoir O'Conghaile go raibh sé sasta leis an freagra

Resolved on the proposal of Councillor Noel Connolly and seconded by Councillor Ann Connolly that the report be noted

KN15/0621

Newbridge Traffic Plan

The members considered the following question in the name of Councillor Peggy O'Dwyer
Can the council confirm when the Newbridge Traffic Plan is due to commence?

A report was received from the Roads Transportation and Public Safety Department informing the members that the Roads Project Team are developing Transport Strategies for towns throughout Kildare in co-operation with the Forward Planning Department and the development of Local Area Plans, subject to resources being available. Currently Transport Strategies are being developed for Kildare Town and Maynooth. Kildare Town Transport Strategy is due to commence public consultation in June. It is proposed to commence the



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Newbridge Transport Strategy in Q3/Q4 2021, when the Kildare Town Transport Strategy has been completed.

The report was noted

KN16/0621

Location of Residential Developments for Jakes law

The members considered the following question in the name of Councillor Anne Connolly
Can the council inform the members of the name and location of residential developments, within the municipal district, that require the 30km/hr i.e. Jake's Law speed limit signage implemented?

A report was received from the Roads Transportation and Public Safety Department informing the members that the locations outlined in Appendix 1 were proposed as 30km/h Slow Zones in Residential Areas - (Jakes Law) as part of the Speed Limit Review.

The report was noted

KN17/0621

Standalone Boundary Walls within Housing Estates

The members considered the following question in the name of Councillor Tracey O'Dwyer
can the council clarify who is responsible for the structural maintenance of and integrity of standalone boundary walls within housing estates that have been taken in charge in the Kildare-Newbridge Municipal District?

A report was received from the Roads Transportation and Public Safety Department informing the members that boundary walls are the responsibility of the landowners, where Kildare County Council own the land each side of the wall, i.e., green area or public roads these walls are the responsibility of Kildare County Council Municipal District Office. It should be noted that to address these issues, funding must be identified, the Municipal District Office does not receive any additional funding when estates are taken in charge. Councillor T O'Dwyer enquired if a bond remained in place for the maintenance or would be made available. The District Engineer advised that a full review of boundary walls was taking place, unfortunately bonds would be expired when issues arose.



The report was noted.

KN18/0621

Installation of Bus Shelters

The members considered the following question in the name of Councillor Mark Stafford
Can the council furnish a report on the progress of the installation of bus shelters throughout the Municipal District as agreed with the NTA?

A report was received from the Roads Transportation and Public Safety Department informing the members that Designs for 4 of the 5 locations (Brownstown, The Curragh opposite Rising Sun Pub, The Curragh Camp Exit, The Curragh Camp Entrance, Kilcullen, Main Street opposite Applegreen Garage are complete. A Section 38 public consultation and small works procurement process, which are to be delivered by Traffic and Sustainable Transport Team, are the next steps before construction on site. These works will be supervised by the Municipal District Office subject to having adequate resources available Councillor Stafford enquired as to timelines for installation and was advised that the Transportation Department would get back to him on this.

The report was noted.

KN19/0621

Role of Directors appointed by the council to the Boards of Companies

The members considered the following motion in the name of Councillor Fiona McLoughlin Healy:

That the council clarify the position where a councillor/s is appointed from the council to the board of a company limited by guarantee in the municipal district and has concerns that the board is failing to comply with company law; whether the councillor has a duty to report their concerns to Kildare County Council; if so, what is the appropriate route for reporting concerns; and what role if any does the council have in relation to company boards where councillors are members and/or the council provides funding.

The motion was proposed by Councillor F Mc Loughlin Healy and seconded by Councillor Noel Connolly.



Kildare County Council

A report was received from the Finance Department and the Housing Department informing the members that the principal fiduciary responsibilities of a director are set out in Part 5 of the Companies Act 2014.

There is a requirement on a director to act in good faith, to act honestly and responsibly and to act according to the company's constitution. There is a requirement for the directors to have regard to the interests of the company's employees as well as to the interest of the members. Under Section 231 of the Act, there is a duty on directors to disclose any interest they have in contracts made by the company. The duties set out in the Act are not exhaustive and will still require directors to consider obtaining legal advice concerning compliance with their duties.

Full details of the role and responsibilities of directors can be found at :

<https://www.odce.ie/Portals/0/Directors.pdf>

Companies are separate legal entities, and as such Kildare County Council has no direct role in relation to the compliance of the company with regard to its company law requirements. It would be expected that the auditor of the company would raise any such concerns with the Board who would then direct the management of the company to address the issue and provide a reason for the failure to comply with company law.

Where the director continues to have concerns about whether the company is acting lawfully, then they have a responsibility to report the concerns to the Office of the Director of Corporate Enforcement (ODCE).

The provision of funding from the Council to a company/organisation is a separate matter. Where funding has been spent other than for the purposes for which it was granted, then concerns should be referred to the Director of Services of the funding department.

Councillor Mc Loughlin Healy informed the members that if a councillor was appointed to a board of a company by the council, it was important that they should have a clear understanding of their role and responsibilities. She stated there can be instances where new constitutions are being considered, and where a councillor might require legal advice and that they may have to take legal advice at their own expense and noted that Corporate Governance training needed to be provided to councillors in their role as board members.



Ms Millane advised that there was excellent information available on the website of the Office of the Director of Corporate Enforcement and she recommended that the members should read it.

Following further discussion, the following points were raised

- If a councillor as a board member is forced to seek legal advice what can the council do to facilitate this
- If Members Services explore could explore what training is available or could be provided to councillors if they are appointed to the board of a company.

Resolved on the proposal of Councillor F McLoughlin Healy, seconded by Councillor N Connolly and agreed by the members that the report be noted and that the Members Services section check out what training is available on the responsibilities of a director.

KN20/0621

Long-term Plan for a Site at Rosconnell, Newbridge

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

That the council provide information on what is the long-term plan for a site at Rosconnell, Newbridge Folio number 35230F on the Land Register which is zoned for development and in Kildare County Council ownership.

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

A report was received from the Housing Department informing the members

It is proposed to carry out a feasibility study on this land to determine suitability for delivery of a joint venture proposal which could provide for the construction of, potentially, a mix of social, affordable and private housing on this land. The affordable housing guidelines, which are expected to be published in the coming weeks, will inform the feasibility study.

Councillor P O'Dwyer informed the meeting that this folio comprised of 5 hectares of land owned by the council and in her opinion, it should be rezoned as Parks and Recreation. She was aware that the site was zoned for Housing but other options should be explored.



The members supported the motion and raised the following points

- There was a need for lands for sports and recreation in Newbridge
- A balance needed to be found between development and amenity lands
- This was the only land owned by the council in Newbridge.

The members were advised that there were approx. 2,000 people on the housing list in Newbridge and that this was the only land owned by the council. It was anticipated that the report would recommend building on council owned land.

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

KN21/0621

Request to extend the closing date for the Self-Help Grant

The members considered the following motion in the name of Councillor Ann Connolly
That the council extend the closing date for the Self Help Grant to residents in this municipal district who will be availing of the Retrofitting Programme and have been informed that their windows and doors are not being replaced under the Retrofitting Programme.

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

A report was received from the Housing Department informing the members that
The 2021 Self Help Scheme was advertised on the 20 April 2021 on the council's website, was uploaded to the Members Information Portal (MIP) and advertised in the local press with a closing date of 14 May 2021 for receipt of applications. 269 application forms were sent out to tenants and 164 forms were returned. As the processing of these applications is now complete and those who applied before the closing date are being notified of a decision, the closing date cannot be extended.

Councillor A Connolly explained that the members had been briefed in October 20 that €1.5 million had been made available for deep retrofitting of houses. This was to include



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replacement of doors and windows. Now they were informed that replacement of doors and windows were not included in the deep retrofitting of the selected houses. The householders had concerns about this as they believed for the retrofitting to be successful their houses needed to be airtight. She noted that the average cost to replace doors and windows was approx. €17,000 and they had missed the closing date for applying for the Self-Help Scheme.

Ms Scully advised that they had received 164 applications for the Self Help Scheme and the budget was €238K, and the scheme could not be readvertised.

Councillor Ann Connolly accepted the report but advised that there was disappointment across the board with the outcome.

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

KN22/0621

Vacant Housing Report

The members considered the following motion in the name of Councillor Tracey O'Dwyer That the council issue a report to members every 6 months on the housing stock within the Kildare-Newbridge Municipal District; listing the property detail, completion date for maintenance works and date property released to the allocations department.

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

A report was received from the Housing Department informing the members that the Vacant House report is in the format agreed by the Housing Strategic Policy Committee 2014-2019. Following the referral of a motion from former Councillor Mark Lynch, the members agreed that the information be presented in the current format and a report would issue to the full council and to each municipal district monthly. The format of the report was discussed again at the February 2018 meeting of the SPC and it was agreed by the Members of the Committee that the addresses of the vacant properties were not relevant to the report. In April 2021 Councillor Noel Connolly brought a motion before this Municipal District proposing changes to the report, it was agreed that this motion would be forwarded to the Housing SPC for discussion. At the May meeting of the Housing SPC, it was agreed by the members of



Kildare County Council

the SPC that a report would be provided to each meeting of the SPC providing details of properties which are vacant for a period in excess of 12 months and the reason for same.

Councillor T O'Dwyer enquired if all vacant houses were on the report and advised that when the report went to the Housing SPC, the properties were not identified and she wanted vacant properties and the length of time they were vacant to be identified. She referenced a property that was vacant but that was not listed on the vacant house report.

The members supported the motion and raised the following points

When a property is vacant the neighbours are also affected

The council needed an active management system t

Members don't feel that they are getting the full information on vacant/derelict properties

Members needed clarity and accountability for what was being reported

Were all vacant properties on the list or did they only go on the list after a period of time

Ms Scully informed the members that the vacancy rate nationally was 3.15% whereas Kildare's vacancy rate was 1.62%. Councillor Stafford asked that this be brought back to the Housing SPC and to confirm if all vacant properties are on the list or only properties that are brought back into service.

Resolved on the proposal of Councillor T O'Dwyer, seconded by Councillor P O'Dwyer and agreed by the members that the report be noted and that the matter be brought back to the Housing SPC to confirm that all vacant properties are included on the report.

KN23/0621

Progress Report

The members considered the following motion in the name of Councillor Mark Stafford
That the practice of adding items to the Progress Report by members be discontinued and the status quo be restored regarding the inclusion of items on the Progress Report ie. when an update is available/progress has been made on meeting items of the Kildare-Newbridge Municipal District Committee.

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



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A report was received from Corporate Services informing the members that the custom and practice with regard to follow up on items raised at meetings, is to list all required follow up actions on the Action Plan. This applies to Municipal District and Full Council meetings. For the progress report to any given meeting, only items on which progress has been made or an update is available are reported on. Other items which have not progressed are left on the action plan for follow up and are reported on as progress is made. It is noted that for some time now there has been a shift in the requests from members with regard to the progress report and individual members requesting that particular items appear on the progress report regardless of whether progress has been made, resulting in a report of “no update to report this month”.

A return to the status quo would be welcome and would properly reflect the intention of the report being one to highlight progress on issues raised by the members.

Councillor Stafford welcomed the report and said members were asking that items remain on the progress report and this was contributing to making the report unwieldy. He stated that matters should be added to the progress report by the officials, when there was progress to report. Following discussion, the following points were made:

Not allowing councillors to add items to the progress report would further reduce the power of the councillors.

Items could be forgotten about over time

Having them on the Progress report was an efficient way of ensuring a response issued on issues raised.

The Meetings Administrator confirmed that all items for action arising out of meetings were listed on an Action Plan, with a report included on the Progress Report once progress was available to report.

The Mayor noted the comments made in the previous debate and proposed that the matter be further considered by the incoming Mayor.

Resolved on the proposal of Councillor Stafford, seconded by Councillor T O’Dwyer and agreed by the members that the report be noted, and the matter further considered in consultation with the incoming Mayor



KN240621

Briefing given to Valuers for site at Athgarvan

The members considered the following question in the name of Councillor Fiona McLoughlin Healy

Can the council provide details of the briefing given to the independent valuers of the site at Athgarvan, including the details of any verbal briefing?

A report was received from the Housing Department informing the members that this question relates to a majority decision of the elected members taken at a meeting of the plenary council on 30 November 2020 to approve, under section 183 of the Local Government Act 2001, the sale of land at Athgarvan. While it is not a requirement of Section 183, the elected members have agreed by resolution to have sight of any valuation report associated with the disposal of land and, in this regard, a copy of the valuation report was provided to the members in advance of the decision. I understand that Councillor McLoughlin Healy has already received a copy of the briefing to the valuer on foot of correspondence. Notwithstanding that this document relates to a decision which has already been taken by the plenary council, should any member wish to receive a copy they can make contact with the signatory to this report.

In terms of the briefing given to the valuer of land, this was communicated by e-mail to the valuer by a member of the Housing Capital Team under the direction of the Senior Architect. Section 17.2.8 of the County Development Plan 2017 to 2023 is of relevance to this matter as it prescribes that "Development should be designed in such a fashion that it will not prejudice the provision of vehicular or pedestrian access, or key infrastructure services in adjoining lands. Development should also be designed so as to ensure "ransom strips" will not inhibit future development". The valuer, in preparing the valuation of the land, was cognisant of the objective of the County Development Plan.

As the Senior Architect was not available at the time this report was prepared and issued, the availability of a written record of any verbal communication with the valuer cannot be confirmed.

Councillor Mc Loughlin Healy expressed her dissatisfaction with the report, stating she had requested details of the briefing given to the independent valuers of the site at Athgarvan,



Kildare County Council

including the details of any verbal briefing, and these had not been provided. She stated she wanted a written report. She also stated that the person who gave the briefing should be in attendance.

Ms Scully informed the members that the Senior Architect was not available to attend the meeting but she had spoken to him that morning, and he informed her that he had not kept a written record of the verbal briefing. Following further discussion, the Mayor clarified that a written report to this effect be provided to Councillor Mc Loughlin Healy as soon as possible after the meeting.

Ms Scully advised that a written report would issue to this effect to Councillor McLoughlin Healy after the meeting

The report was noted.

KN25/0621

Temporary suspension of Pay Parking Byelaws including Enforcement subject to S254 licence approval

The members considered a report to consider and agree the temporary suspension of Pay Parking Byelaws including Enforcement in various locations across the municipal district area to facilitate the re-opening of businesses subject to S254 licence approval

A report was circulated to the members in advance of the meeting and Ms Hunt made the following points in relation to the report:

- The Strategic Projects and Public Realm Team had secured funding for the roll out of temporary measures such as the provision of parklets and outdoor seating areas for use by the public in the towns across the county.
- The temporary suspension of Pay Parking Byelaws including enforcement may be required when providing the proposed outdoor seating areas on a temporary basis in the coming weeks, the Municipal District Engineer would be consulted in the roll out of the temporary measures.
- Expressions of interest had been received from a number of businesses for the provision of parklets for their customers use at locations across the municipal



Kildare County Council

district and in order to do this a Section 254 licence (under the Planning & Development Act, 2000 as amended) was required.

- S254 licence applications were reviewed by the Municipal District Engineer and the Public Realm Team who provide a report to the case planner for a full planning assessment of the proposal.

Ms Hunt asked the members to consider granting approval for the following two proposals for the period 16 June 2021 to 30 November 2021:

1.The temporary suspension of Pay Parking Byelaws including Enforcement at various locations across the municipal district to enable the Strategic Projects and Public Realm Team to provide outdoor seating/parklets for general public use (subject to available funding).

2.The temporary suspension of Pay Parking Byelaws including Enforcement at various locations across the municipal district to enable businesses to re-open for outdoor dining through the provision of parklets/outdoor seating for the exclusive use of their customers (subject to a full planning assessment and S254 licence approval).

During the following discussion, the members raised the following points:

- Why was there a delay in getting furniture onto the streets
- Furniture should be wheelchair friendly
- Fear that the summer would be over before any furniture was on the streets
- There was issues in Kildare town where motorists were trying to park in areas where benches were located
- Could stencils be put down on streets to advise of social distancing

Ms Hunt advised that there was a problem with supply as all local authorities were looking for the same furniture and that as parklets were very expensive, they opted for benches which were being sourced from local DIY stores. She confirmed that the benches were wheelchair accessible and they were being painted currently, and would be installed on the streets over the following week.



Councillor Stafford thanked the Public Realm team for the way they had adapted and responded to the need to move to an “outdoor summer” as a result of the pandemic and they were to be commended in this regard. He requested that an update be given at the July meeting on the Section 254 applications received. Ms Hunt informed the members that she would circulate the list of them to the members

Resolved on the proposal of Councillor R Power, seconded by Councillor P O’Dwyer and agreed by all the members that the temporary suspension of Pay Parking Byelaws including Enforcement in various locations across the municipal district area to facilitate the re-opening of businesses subject to S254 licence approval be approved.

KN26/0621

Works without planning permission

The members considered the following motion in the name of Councillor Robert Power
That the council deal decisively with any developers found to have undertaken works in this municipal district recently without planning permission, particularly in cases where irreversible damage has been caused to the built and natural heritage.

The motion was proposed by Councillor R Power and seconded by Councillor P O’Dwyer.

A report was received from the Planning Department informing the members to ensure that the integrity of the planning system is maintained and that it operates for the benefit of the whole community, the council will take enforcement action in cases of unauthorised development, where it is appropriate to do so, consistent with the provisions of Part VIII of the Planning and Development Act 2000 (as amended). In carrying out its enforcement functions, the council may issue Warning Letters and/or Enforcement Notices or take injunctive proceedings pursuant to Section 160 of the Planning and Development Act 2000 (as amended). Proceedings for non-compliance with an Enforcement Notice will be taken in the District Court in most cases. However, where appropriate, injunctions will be sought in the Circuit Court or High Court. In all cases involving legal proceedings the council will seek to recover its costs, in addition to any fines imposed by the courts.



Councillor Power asked about timelines from when letters issue to follow up action and what happens if there a delay in the response. Councillor McLoughlin Healy stated that she felt that there was no sense of urgency when dealing with complaints and used the example of the recent query about a boundary fence outside Newbridge. Councillor Stafford supported the motion and stated the Planning Department needed to look at all aspects of the case to make sure proper planning was in place.

Mr McLoughlin informed the members that as soon as the council are aware of an issue, a letter is sent to the developer seeking a response and that there can be a delay in getting a response.

He confirmed that each case is taken on a case by case basis, and that on occasions, the council are at the mercy of the courts when it comes to seeking a resolution.

Resolved on the proposal of Councillor Power seconded by Councillor P O'Dwyer and agreed by the members that the report be noted

KN27/0621

Vacant Sites Register

The members considered the following question in the name of Councillor N Connolly
Can the council confirm how many sites in the Municipal District are on the Vacant Sites Register and how much revenue is the council receiving from these sites?

Report: There are 9 sites in the Kildare-Newbridge Municipal District area that are on the vacant sites register. In 2020, Kildare County Council surveyed 223 sites throughout County Kildare in Leixlip (10); Kildare (32); Maynooth (21); Newbridge (29); Sallins (12); Celbridge (13); Monasterevin (16), Clane (17), Kilcock (8), Kilcullen (10); Naas (33); Athy (22). While no monies have yet been collected, the process of valuations for 7 sites is underway. A further 8 sites are the subject of appeals to An Bord Pleanála and an additional 14 sites have been identified for issuing of Section 7 (1) notices, which are intended to issue in Q2 2021. In accordance with the provisions of the Urban Housing and Regeneration Act 2015 (as amended) the Council cannot pursue any revenue from any of these sites until 2022 at the earliest.



Kildare County Council

It was important to note that a vacant site is set out in Section 5 of the Act, and is defined as any land (exceeding 0.05 hectares) where in the case of residential land: there is a need for housing in the area, the site is suitable for housing and the site, or majority of the site, is vacant or idle and in the case of regeneration land: the majority of the site is vacant or idle and is having a negative impact on the character of the area. However, according to Section 6(5) b of the Act, residential sites dependant on investment in public infrastructure and facilities (e.g. road infrastructure and/or water services) to facilitate development do not qualify as vacant sites.

Councillor N Connolly asked if the addresses were available online and when would the council expect to collect the money.

Mr McLoughlin advised that the information was available on the council's website and that collecting the monies was a long process.

The report was noted.

KN28/0621

Communications with Bord na Mona

The members considered the following question in the name of Councillor Fiona McLoughlin Healy

Can the council provide an update on communications between the council and Bord na Mona since it was agreed to invite Bord na Mona to meet regarding the protection of the green space on their site in any planning applications?

A report was received from the District manager that following the May Municipal District meeting, the District Manager contacted Bord na Mona, who advised that they would issue a public update on the Masterplan for the Newbridge site. Subsequently, an update was published in a local newspaper. The District Manager advised Bord na Mona that the council is always willing to meet and follow up on any issues, which was noted.

Councillor Mcloughlin Healy asked if the council had committed to protecting the green space when they met with Bord na Mona in the past noting that there had been previous motions requesting that this be raised with Bord na Mona

The District Manager informed the member that he would follow up on this



The report was noted.

KN29/0621

Planning permissions granted but not yet commenced

The members considered the following question in the name of Councillor Robert Power

Can the council confirm how many housing units have been granted planning permission in the last two years in Newbridge, but have not yet commenced?

A report was received from the Planning informing the members that the following is a list of residential developments granted in Newbridge since 1 January 2020. The list does not include individual houses or amendments to previously granted permissions:

Ref	Applicant	Date Granted	No of units	Commenced
19/995	DMCD Developments	14/5/20	10	No
20/672	Mark Joyce	16/03/21	6	No
20/673	Mark Joyce	16/03/21	3	No
20/1261	Patrick & Thomas Leeson	23/03/21	20	No

The report was noted.

KN30/0621

Derelict Sites Register

The members considered the following question in the name of Councillor N Connolly

Can the council confirm how many sites in the Municipal District are on the Derelict Sites Register and how much revenue is the council receiving from these sites?



Kildare County Council

A report was received from the Planning Department advising that the council investigates reports of dereliction and takes enforcement action in accordance with the Derelict Sites Act 1990 in an effort to have the dereliction abated.

A derelict site was defined in the Act as any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of -

- (a) The existence of structures which are in a ruinous, derelict or dangerous condition
- (b) The neglected, unsightly or objectionable condition of the land or any structures on the land
- (c) The presence of litter, rubbish, debris or waste on the land.

If it was considered that issues can be easily remedied within a relatively short timeframe, the Council may work informally with a property owner instead of serving a legal notice and provide the owner(s) with a list of works and the opportunity to carry out such works before the site may be put on the Derelict Site Register.

In other instances, the Council may serve a legal notice requiring works to be carried out, and many cases are resolved in this way and this approach is always the initial focus. The level of compliance in addressing derelict sites is often related to issues which ultimately resulted in the site becoming derelict in the first place — financial hardship, difficulties in financing development, legal or title disputes over ownership, estate issues following inheritance, receivership, property being abandoned, etc.

There can often be delays in progressing files due to difficulties in ascertaining the names of owners and accordingly, there is often recourse to land registry which can be time consuming. Indeed, disputes arising from title / probate tend to be the cause of many issues. Another contributor is the fall-out from the “Celtic Tiger” period where many commercial ventures went wrong. The issue of “derelict” may sometimes be subservient to more fundamental issues such as building control, breaches of planning / licensing which should be progressed using remedies other than derelict sites legislation.

It is also open to the local authority to compulsorily acquire under the 1990 Act, though this is rare as it can expose the Council to financial risk. Ultimately if cases are not resolved,



Kildare County Council

following further notice, the site can be listed in the derelict sites register. As a general principle, a low number so registered is a positive sign (though often perceived otherwise) that cases are being resolved and that the council is being proactive. There are currently five properties so registered in the Kildare-Newbridge Municipal District.

Councillor N Connolly enquired was this information available on the council website and how much did the council expect to collect

Councillor N Connolly was advised that files were available for inspection in the Environment Section. The council tried to resolve site dereliction, They had investigate 48 cases, 26 were resolved, 5 were put on the register and 17 were ongoing. Invoices to the value of €65,000 had been issued.

The report was noted.

KN31/0621

Drain Art Trail for Newbridge

The members considered the following motion in the name of Councillor Peggy O'Dwyer
That the council consider a Drain Art Trail in Newbridge, similar to the one recently launched in Ennis, County Clare.

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

A report was received from the Arts Officer that informing the members that this proposal was not in the 2021 work programme for the Arts Service. The County Arts Officer would contact Councillor O'Dwyer to discuss the proposal and the resources required for such a project.

Councillor P O'Dwyer informed the members that six pieces of Artwork had been placed at locations around Ennis and was very popular, and she believed this concept would work well in Newbridge

Ms Russell advised that this was a simple concept and could possibly be part of Culture Night and undertook to revert to the councillor with the programme.



Kildare County Council

Resolved on the proposal of Councillor P O'Dwyer, seconded by Councillor T O'Dwyer and agreed by the members that the report be noted, and Ms Russell revert to Councillor P O'Dwyer with the programme.

KN32/0621

Task Force for Employment Opportunities for Small Towns

The members considered the following motion in the name of Councillor Tracey O'Dwyer That Kildare County Council, through the Local Enterprise Office, establishes a task force to identify and actively pursue employment opportunities for small towns within our Municipal District such as Kilcullen, Monasterevin, Rathangan to ensure these towns do not just become a place to live and commute from, but are also a place to work in.

The motion was proposed by Councillor T O'Dwyer and seconded by Councillor M Stafford. The members received a report from the Head of Enterprise and Economic Development informing them that this request required a multi-faceted response encompassing all of the many ways in which we are already working to facilitate and support SMEs in our towns and villages. As the members will know the LEO offer a suite of financial support, training and mentoring. The Head of Enterprise also works closely with County Kildare Leader Partnership in terms of the Rural Development Programme and Kildare Fáilte in terms of supporting the Tourism and Hospitality sector.

The recently adopted Economic Development Strategy 2021-2025 sets out the many objectives currently being implemented to address this particular request as to is the newly written Local Enterprise Development Plan 2021-2024. The review of the Local Economic and Community Plan (which is imminent) will also provide an opportunity to include this as a core objective in the new plan.

Councillor T O'Dwyer welcomed the report and advised the members that LEO was carrying out great work and that the members should commit to an Economic Development Strategy at a very local level. She noted that larger towns have this investment but that smaller towns needed to be considered and engaged with by the stakeholders also. The members supported the motion and raised the following points:



Kildare County Council

- The focus should be on creating jobs in the locality
- This should feed into the County Development Plan process
- Small towns were being used as dormitory town with high level of travel to and from work.
- The South of the County was losing out.
- The focus of the development should be on green initiatives
- Local Chambers of Commerce could have a role to play in this
- A source of funding needed to be identified
- The expertise was there to develop this through the Leader programme and NCD.

The District Manager undertook to liaise with the Mayor and the Head Enterprise on the issues raised and would revert to the members.

Resolved on the proposal of Councillor T O'Dwyer, seconded by Councillor M Stafford and agreed by the members that the report be noted, and the District Manager would liaise with the Mayor and the Head of Enterprise and Economic Development.

KN33/0621

Consultation when designing new Playgrounds

The members considered the following motion in the name of Councillor F McLoughlin Healy That the council consult with parents of children with disabilities by way of an online survey to learn what can be improved in the delivery of the new playground for Newbridge, to ensure that it is accessible, safe and enjoyable for all children.

The motion was proposed by Councillor F McLoughlin Healy and seconded by Councillor P O'Dwyer.

A report was received from the Parks Department informing the members that Consultation with parents and children with disabilities will be carried out as part of the development of a new playground for Newbridge

Councillor Mc Loughlin Healy welcomed the report and said this was an opportunity to be an example when designing the new playground. She stated that we should not only consider



Kildare County Council

the children with disabilities, but the people who assisted them when considering the design. She asked how this consultation would be carried out.

The Parks Superintendent advised that they would be following best practice and the playgrounds would be accessible to all. She was hoping to have Allenwood Playground out to tender by Quarter 4 2021 and Leixlip by Quarter 1 2022.

Resolved on the proposal of Councillor F McLoughlin Healy and seconded by Councillor P O'Dwyer and agreed by the members that the report be noted.

KN34/0621

Masterplan for Lands around Newbridge Newbridge Family Resource Centre

The members considered the following question in the name of Councillor Peggy O'Dwyer
Can the council confirm if there has ever been a master plan design considered for the lands around Newbridge Family Resource Centre/Dara Park/Highfield Park and Lakeside Park?

A report was received from the Parks department advising the members that there was never a masterplan developed for the amenity lands at Dara/Highfield and Lakeside Park. A masterplan for the area would be a worthwhile exercise given the size of the area and the amenity value it provides and could provide. However, a budget to facilitate a masterplan would have to be identified and the work required to develop the masterplan would have to be considered in the context of the existing commitments the Parks Section have.

Councillor P O'Dwyer informed the members that there was a significant parcel of land here and it would benefit from having a master plan produced for it.

The report was noted

KN35/0621

Plans to upgrade Kilcullen Playground

The members considered the following question in the name of Councillor Tracey O'Dwyer
Can the council confirm if there are plans to upgrade the Kilcullen playground given the recent Government announcement of funding to local authorities to upgrade and improve playgrounds and outdoor play areas?



A report was received from the Parks Department informing the members that there were no plans to upgrade the playground in Kilcullen. An application under funding provided by the Department of Children & Youth was made to develop a natural playground in Newbridge and this project has received €16k following the application. The project will be progressed later in the year.

The report was noted

. KN36/0621

Site for Newbridge Playground

The members considered the following question in the name of Councillor Robert Power

Can the council provide an update on the progress of identifying a site for a playground in Newbridge?

A report was received from the Parks Department informing the members that the most suitable sites for a playground within this area were Eyre Street College Park, Moorefield, Lakeside Park, Pairc Mhuire and Town Park (Liffey Linear Park). The council were working with the Playground4Newbridge Committee to assess which of these are the most feasible to progress.

The report was noted

The meeting concluded.