



**Minutes of the Kildare Newbridge Municipal District  
held at 10.00 am on Wednesday, 19 January 2022  
via Microsoft Teams**

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

**Officials Present:** Mr J Boland (District Manager), Ms B Cuddy (District Engineer), Mr D Hodgins (Senior Engineer), Ms P Pender (A/Senior Executive Officer), Mr C O'Toole (A/Staff Officer), Mr T Shanahan (Administrative Officer), Mr P Mulhern (Energy Efficiency Officer), Ms M Hunt (Senior Executive Officer), Mr M McLoughlin (Administrative Officer), Ms F Breen (Executive Planner), Ms E Donohoe (Executive Planner), Mr B O'Gorman (Administrative Officer), Mr S Wallace (Parks Superintendent), Mr D Mc Dermott (A/Senior Executive Officer), Mr B Leonard (Meetings Administrator), Ms M Richardson (Meetings Secretary) and other officials.

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**KN01/0122**

**Declaration of Pecuniary or Beneficial Interests**

The Mayor asked if there were any declarations of Interest under Section 177 Of the Local Government Act 2001, as amended. There were no declarations of interest.

**KN02/0122**

**Minutes and Progress Report**

The members considered the minutes of the monthly meeting of the Kildare-Newbridge Municipal District meeting held on Wednesday 15 December 2021 together with the Progress Report.



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**Resolved** on the proposal of Councillor N Connolly, seconded by Councillor Stafford and agreed by the members that the minutes of the monthly meeting of Kildare-Newbridge Municipal District meeting held on Wednesday 15 December be adopted. The report was noted.

### **KN03/0122**

#### **Municipal District Road Works**

To receive an update on the municipal district road works.

#### **Road Resurfacing Works:**

Preparing the 2022 roads resurfacing and restoration program at present.

#### **LPT:**

There are a number of 2021 LPT's projects to be completed, contractor will be on site in the coming weeks:

- Cutbush - Elms
- Darra Park
- Pedestrian crossing Carragh
- Cultery Road

#### **Miscellaneous Works:**

- Verge cutting ongoing across all areas of the MD.
- Footpath repairs in Pairc Mhuire
- Pothole repairs across the MD
- General Maintenance – water cuts, patching, gully cleaning.

#### **Drainage works:**

- Roseberry

Ms Cuddy informed the members that the Programme of Works for 2022 was being completed and that works at Cutlery Road in Newbridge had commenced. She advised that



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following an incident involving a HGV Liffey Bridge at Caragh remained closed to traffic but would remain open to cyclists and pedestrians. Consultant engineers were working in tandem with a conservation architect to prepare a technical and engineering assessment, along with the conservation officer and the bridges section of the Roads Department and a report would be compiled as soon as possible.

The members raised the following points:

- There was a 3.5 tonne weight limit on the bridge and as the HGV in question was obviously over this limit, would there be any consequences or accountability.
- The economy of small local businesses had been significantly hit due to the detour.
- Traffic at other local junctions had increased as a result of the closure.

Ms Cuddy advised that enforcement of the 3.5tonne weight limit was a matter for An Garda Síochana who had taken all details of the incident and were currently working with the driver and the company associated with the vehicle. Kildare County Council had no enforcement remit in this area.

The report was noted.

### **KN04/0122**

#### **Schedule of Municipal District Works 2022**

Ms Cuddy advised that no schedule of works had been agreed yet as she was awaiting budget figures. The Meetings Administrator advised that this would be a standing item on all agendas until March. The Mayor advised that he would set up a meeting with members to discuss LPT prior to the February Municipal District meeting.

The District Manager advised he would provide members with the 2021 reconciliation in advance of the meeting and the executive would assist in any way possible.

### **KN05/0122**

#### **Members LPT Nominations**

There were no members LPT nominations for this period.



**KN06/0122**

**Sustainable Energy Communities**

Mr Peter Mulhern, Energy Efficiency Officer gave a presentation on Sustainable Energy Communities in the Municipal District.

The members raised the following points:

- What SECs were currently active in the Municipal District.
- Was it possible to speak to the Energy Efficiency Officer offline.
- What was the next step for Kilcullen regarding securing funding for a mentor
- Did Kildare Tidy Towns set up a SEC some years back, and where was this now
- Could small villages apply or was this just for towns.

Mr Mulhern advised of the active SECs in the area and said he was available anytime to discuss this with the members offline. He commended the involvement of Councillor T O'Dwyer in the very progressive SEC in Kilcullen. Mr Mulhern advised that there was a dedicated office in the SEAI to support SECs and he would send on contact details etc regarding the available funding. He advised that an SEC could be any size and Kildare County Council would provide full support. He also informed the members that SECs can go their own route without Kildare County Council support, but they needed an energy masterplan to secure funding. He confirmed he would link in with the relevant contact point in relation to Kildare Town.

**KN07/0122**

**Site Visits**

The members considered the following adjourned motion in the name of Councillor Doyle That the council provide a report outlining the number of site visits carried out by council officials in this municipal district categorised by the following; developments in excess of 100 units, developments less than 100 units, one off housing, and commercial units.

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

A report was received from the Building and Development Control Department informing the members that no site visits were carried out by Planning Department officials under the aegis of either the Building Control Section or the Development Control Section during 2021 due to



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the pandemic. Site visit data was not recorded by either the Building Control Section or the Development Control Section in the format requested and therefore it was not possible to provide the requested information. Building Control would carry out limited site inspections of one-off housing but generally would not carry out site inspections of commercial units. However, Development Control did not have any role in inspecting one-off houses or commercial units since there was no provision of public infrastructure which may be taken in charge by Kildare County Council.

In 2021, Building Control carried out 3,403 site inspections of buildings across the county which could be broken down as follows:

First Inspection of Commencement Notices submitted in 2020:	587
First Inspection of Commencement Notices submitted in 2021:	1,141
(of which 27 were one-off housing inspections)	
Building Control Follow up Inspections:	1,487
Certificate of Compliance on Completion Inspections:	215

Councillor Doyle stated she accepted the report and would link in with the Building and Development Control Department offline. Councillor McLoughlin Healy questioned the limitations of Kildare County Council's role having regard to its oversight function and asked if there were any follow up to be done on any issues raised. She asked that if there an issue with materials used, Kildare County Council could not investigate complaints and could only look to the assigned certifiers certificate and were then bound to issue a certificate of compliance.

**Resolved** on the proposal of Councillor Doyle and seconded by Councillor Heavey that the report be noted.

### **KN08/0122**

#### **Loughminane Green**

The members considered the following question in the name of Councillor Doyle.  
Can the council provide a progress report on the TIC of Loughminane Green?



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A report was received from the Building and Development Control Department informing the members that Development Control did not have any record of a request to take in charge (TIC) the estate from either the Developer or a majority of the homeowners. A Section 180 request from a majority of the homeowners in the estate was therefore required, in accordance with Section 180 of the Planning and Development Act 2000, as amended. Once a valid Section 180 request was received, Kildare County Council would, within 6 months, initiate the procedures under Section 11 of the Roads Act, 1993.

There was an Insurance Bond in place for the development, which was valid until the estate was TIC. The Insurance Bond was valued at IR£150,000. Kildare County Council had attempted to call in the bond from Hermes-kreditversicherungs (01/07/19 and again on 17/08/2020). Hermes-kreditversicherungs reportedly required further information to release the Bond.

The Developer failed to construct the estate to a TIC standard, and therefore, the estate could not be TIC until remedial works were completed. The Developer, Croftbeam Company Limited, was dissolved on 19/11/2013. No CCTV surveys or As Constructed Drawings (ACDs) were provided by the Developer to Kildare County Council, as required by the conditions of the relevant planning permissions 99/1763 (Parent Permission), as amended by the sub-permissions 01/1657 and 02/1447.

Multiple stages of further intrusive / detailed investigations were required to establish the current condition of the civil infrastructure, with a view to establishing the overall scope of works required to bring the estate up to TIC standard. Development Control were currently investigating possible funding options to move ahead with the preliminary investigations in the estate should a valid Section 180 request be received.

Councillor Doyle stated she was disappointed in the response and did not accept that her question had been answered. Following consultation with the Meetings Administrator Councillor Doyle stated she would submit the item as a motion for the next meeting. The report was noted.

### **KN09/0122**

#### **Naas Business Park to Bundle of Sticks Roundabout**

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



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That the council examine the feasibility of providing a footpath/cycle lane or fixing a pedestrian bridge to the side of the super structure that joins Naas Business Park to The Bundle of Sticks Roundabout.

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

A report was received from the Roads, Transport and Public Safety Department informing the members that the Sustainable Transport Team was seeking funding from the NTA to progress a segregated inter-urban cycle track from Naas to Newbridge. The route selection would form part of the early development of scheme and if funding was secured, then this location would form part of the option selection for the route.

Councillor P O'Dwyer advised that the super structure she referred to was the bridge over the motorway from the Bundle of Sticks roundabout heading toward Rathangan. She advised that there were a number of industrial and retail parks in the area which the public could not safely walk or cycle to.

Mr D Hodgins advised that the parapets on the bridge were not high enough to be safe for cyclists or pedestrians. The bridge was under the remit of Transport Infrastructure Ireland and the National Roads Design Office. The National Transport Authority was interested in linking Naas to Newbridge under a new Sustainable Transport scheme. Mr Hodgins advised that discussions were ongoing with the National Transport Authority and there was potential for €10m grant funding for the project.

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

Councillor McLoughlin Healy requested that Item 19 be taken at this point as it also referred to cycle lanes. The members agreed.

### **KN10/0122**

#### **Cycle Lanes**

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



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Can the council clarify the plans and timeline for construction of the entire cycle lane from the Curragh to the Pfizer roundabout, from there to the Bundle of Sticks roundabout and from there to Piper's Hill?

A report was received from the Roads, Transport and Public Safety Department informing the members that the 2022 Sustainable Transport Section's NTA work programme had not been agreed with the NTA. When the allocation of grants was confirmed by the NTA, then a copy of the allocation letter would be circulated to all members. The Senior Engineer of the Sustainable Transport Section would provide an update at the meeting.

Mr Hodgins informed the members that every main radial route was included in discussions with the National Transport Authority and he was confident this would be allocated to start. A temporary scheme was being put in place on Main Street, but this would be a permanent scheme which would be progressed over the next 5 years. He advised that it would take 18 months to start construction from the design phase.

The report was noted.

### **KN11/0122**

#### **Public Lighting Rathcurragh to Green Road**

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

That the council install public lighting on the much-used pathway from Rathcurragh to the Green Road, Newbridge.

The motion was proposed by Councillor P O'Dwyer and seconded by Councillor Heavey.

A report was received from the Roads, Transport and Public Safety Department informing the members that The Public Lighting Section would visit the location of the requested new streetlights, and it would then be assessed using a priority system within Kildare Lighting Infrastructure Priority Schedule (KLIPS). Lighting schemes would be scored on various factors and placed within KLIPS according to that score. The lighting within KLIPS would be installed as and when funds became available and depending on where the request sat within KLIPS. Councillor P O'Dwyer thanked the Roads Department for drainage works in the area and the new pathway, however this had led to an increase in footfall and now required public lighting





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to make it safer. She queried if a timeline could be provided. Mr C O'Toole advised that the timeline depended on funding, but it could be accelerated with LPT funding.

**Resolved** on the proposal of Councillor P O'Dwyer and seconded by Councillor Heavey that the report be noted.

### KN12/0122

#### R412 Brannockstown to Carnalway Cross

The members considered the following motion in the name of Councillor T O'Dwyer. That Kildare County Council carry out an assessment on the R412 Brannockstown to Carnalway Cross Road with a view to amending the existing broken white line to a continuous white line for a small section on this road where motorists are currently overtaking, unaware that residents are trying to turn into their homes.

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

A report was received from the Roads, Transport and Public Safety Department informing the members that the Municipal District Office agreed to carry out this assessment in line with its annual line marking contract. Councillor O'Dwyer informed the members that this was a very busy road. A section of the road had lines repainted as intermittent and residents were being overtaken while trying to turn into their own homes.

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

### KN13/0122

#### Bridge at Mill Lane, Alliganstown

The members considered the following motion in the name of Councillor T O'Dwyer. That Kildare County Council carry out a technical assessment of the bridge at Mill Lane, Alliganstown over the Lemonstown Stream, which is an open bridge with absolutely no wall or side barriers, that provides access to two laneways servicing 7 households and 6 farms.

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



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A report was received from the Roads, Transport and Public Safety Department informing the members that The Corn Mill bridge was on the L60602 at Mill Lane Alliganstown and had been included in an application for funding under the Bridge Remediation program for 2022. The proposed works were to include costs for a consultant to survey the structure and prepare a design for replacement to include installation of parapet and/or safety barriers. If funding was approved, the bridge would be surveyed and works carried out during the summer of 2022.

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

### KN14/0122

#### Resurfacing Works

The members considered the following motion in the name of Councillor K Duffy. That the council include the resurfacing of the Derrylea Road and Quinnsboro Road (L1002) in the 2022 rural road resurfacing program.

The motion was proposed by Councillor K Duffy and seconded by Councillor N Connolly.

A report was received from the Roads, Transport and Public Safety Department informing the members that the Municipal District Office were at present finalising the 2022 roads program and agreed to include these for consideration, subject to meeting the criteria. If the annual average traffic volumes and the condition of the roads were low and they did not make the priority list, they may be considered for Community Involvement Scheme if the local community were interested.

Councillor Duffy appreciated the report and although rural roads were never the most used, they were nevertheless very important locally. He queried how much the CIS scheme would cost. Ms Cuddy and Mr O'Toole advised that it was the group of residents that would apply for the scheme, a costing is then prepared by the Municipal District office and the fee to residents is 15% of the overall costing.

**Resolved** on the proposal of Councillor K Duffy and seconded by Councillor N Connolly that the report be noted.



**KN15/0122**

**Yellow Boxes R414**

The members considered the following motion in the name of Councillor N Connolly.  
That the council install yellow boxes at the Junction of the R414 at the Health Centre on Cowpasture and at Supervalu on Togher Road, in Monasterevin.

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

A report was received from the Roads, Transport and Public Safety Department informing the members that this area was located very close to a signalised junction where the traffic loops were located directly outside the health centre. For the traffic lights to function correctly traffic must wait in this area to activate the lights. Therefore, the Municipal District Office did not intend installing a yellow box.

Councillor Noel Connolly advised that there had been an accident and a few near misses at this junction and queried could the waiting point be moved back and asked that this be looked at again.

**Resolved** on the proposal of Councillor N Connolly and seconded by Councillor T O'Dwyer that the report be noted.

**KN16/0122**

**Road Markings Thomastown to Caragh Church**

The members considered the following motion in the name of Councillor Heavey.  
That the council reinstate road markings on the road from Thomastown to Caragh Church as a matter of urgency.

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

A report was received from the Roads, Transport and Public Safety Department informing the members that the Municipal District Office agreed to review this request as part of our annual road lining programme.

Councillor Heavey advised that traffic on this stretch of road had increased significantly with the closure of Liffey Bridge and asked that this work be prioritised.



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**Resolved** on the proposal of Councillor Heavey and seconded by Councillor Power that the report be noted.

### **KN17/0122**

#### **Watercourse/Drain Rathangan**

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

That the council clean the watercourse/drain that runs parallel to the Grand Canal behind the filling station at Kildare Road, Rathangan.

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

Ms B Cuddy informed the members that the watercourse was not in the ownership of Kildare County Council but she was committed to finding out who did own it.

In accordance with Standing Order 19, Councillor Stafford proposed to continue to next business and adjourn the motion to the next ordinary meeting in February. Councillor Anne Connolly seconded the motion, and it was agreed by the members.

**Resolved** on the proposal of Councillor Stafford, seconded by Councillor A Connolly and agreed by the members, that Councillor Staffords motion be adjourned until the next ordinary meeting in February.

### **KN18/0122**

#### **Junction Kilcullen**

The members considered the following question in the name of Councillor T O'Dwyer.

Can the council confirm if removing one car parking space and narrowing the path at the traffic lights in Kilcullen to allow cars turn left for Brannockstown or drive straight on toward Athy could be considered when this busy junction in Kilcullen is next being upgraded?

A report was received from the Roads, Transport and Public Safety Department informing the members that any enhancements to the signalised junction (R448/R413) on Kilcullen Main Street would require the removal of parking spaces on the approaches in order to improve the waiting areas for pedestrians and improve the layout for cyclists and other road



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users. It should be noted that there was no source of funding identified for improvement works at this location at present.

The report was noted.

### **KN19/0122**

#### **Cherryville Cross**

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

Can the council provide an update on the traffic calming works to be carried out at Cherryville Cross on the R445?

A report was received from the Roads, Transport and Public Safety Department informing the members that the Municipal District Office had applied for funding under former national road grant for works at this location and were awaiting the results of the application.

The report was noted.

### **KN20/0122**

#### **Hedgecutting**

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

Can the council provide a list of complaints about hedgecutting in the Municipal District in 2021, including but not limited to complaints about hedgecutting within the old Ryston Sports field and the removal of the hedgerow on the Athgarvan Road, Newbridge to include; the time and location of the complaint, whether the action complained of was happening at the time of the complaint and the action taken by the council including the reporting or passing to any external bodies.

A report was received from the Parks Department informing the members that two complaints were received by the Parks Section in 2021 in relation to hedgecutting. These were

- Ryston Sports Field received on the 29 July. This was referred to the National Parks & Wildlife Services for action.
- Kilbelin House – Removal of hedge – received 1 March. Follow up meetings with Glenveagh to ascertain why the hedge was removed and what was going to be done



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to compensate for the loss of the hedge. Final draft proposals were discussed with Glenveagh in November and formal submission of these proposals are awaited. The replanting was proposed to be completed by the end of March this year.

A second report was received from the Roads, Transport and Public Safety Department informing the members that The Municipal District office did not keep records of calls in relation to hedge cutting. If a call was received and the hedge was on public property, junction, cross roads or verge and causing an impact on road users as part of the road maintenance program they would cut the hedges at this location. If it was on private property in general, they would advise the member of the public that it was private property and not within their remit. During 2021, four (4) requests for hedge cutting/trimming were recorded on CRM (Customer Relations Manager) system. One (1) related to private property and the remaining three (3) were dealt with as they impacted users of public roads/footpaths. If a call was received regarding out of season hedge cutting, the caller would be advised to contact National Parks and Wildlife Service Rangers.

Councillor McLoughlin Healy requested that clarity be provided regarding Kildare County Council's role on the reporting or passing to any external bodies, and the removal of the hedgerow on the Athgarvan Road, Newbridge.

Council officials clarified that:

The Municipal District office would only deal with trimming hedges relating to visibility at junctions and would have no role outside of this.

Where planning conditions required retention of a hedge it was an issue for planning enforcement if that hedge was subsequently removed.

Mr S Wallace confirmed that the parks department met with Glenveagh after the hedge had been removed. The hedge had to be removed to accommodate a cycle lane. Councillor Power requested that information relating to this be circulated to members after the meeting. The report was noted.

### **KN21/0122**

#### **Walkway from Spollens Gardens to Millbrook Rathangan**

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



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Can the council indicate if there has been any further progress on the proposed walkway along the banks of the River Slate from Spollens Garden at the foot of Rathangan Bridge to Millbrook, Rathangan.

A report was received from the Parks Department informing the members that progressing this walkway did not form part of the Parks Section Works programme at present. It would not be possible to progress this at present given the number of projects already committed to. Landownership would also have to be ascertained for the length of river to see if a continuous walkway would be possible to link to the new residential estate. If the land ownership facilitated a walkway then funding would also have to be identified to progress the project.

The report was noted.

### **KN22/0122**

#### **Casual Trading Byelaws**

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

That the members agree to amend draft casual trading bye laws as follows and proceed to public consultation incorporating these amendments:

To remove the proposed Thursday evening market in Kildare Town from the draft bye laws; to include Friday evenings between 5.30pm and 9pm for an evening market in Kildare Town Market Square, with an indicative layout such as that proposed for Kilcullen or Newbridge Market Squares; to add Bank Holidays in the proposed trading days for the proposed weekend market in Kildare Town Market Square.

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

A report was received from the Corporate Services Department informing the members that if the members were in agreement, the Draft Casual Trading Bye laws could be amended to reflect this change and the Council would initiate public consultation, in accordance with Section 6 of the Casual Trading Act, 1995, during the week commencing 24 January 2022. Mr Shanahan informed the members that there was no legal restriction to the layout for a Friday market so the map marking would set out an area rather than individual stalls.



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Following consultation with members of Celbridge Leixlip Municipal District Mr Shanahan shared some of the feedback with the members. Rather than stating Christmas related themes the suggestion was to change this to Christmas-Holiday to remove religious connotations and to specify for the month of December (clause 11). The byelaws should be amended to reflect established festivals such as Kildare Derby Festival and St Brigid's Festival which would both use the same space so therefore casual trading could not take place during these festivals (clause 20). The use of single use plastics should be discouraged and use of compostable packaging encouraged and wording should also have a reminder of the plastic bag charge (clause 53 (i)).

The applicant will be given the opportunity to explain absence in writing before any decision regarding revocation of licence (clause 59). In relation to clauses 71 and 73 a timeframe for the revocation of licence should be included. Once agreed by members the draft casual trading byelaws would be ready to proceed to public consultation the following week.

The members raised the following points:

- The wording around Christmas/Holidays could cause confusion
- If festivals were not specifically named, how could they be incorporated into times when casual trading was not allowed, and would new festivals be precluded if the wording "established festivals" was used.
- Does the plastic bag levy fall under the remit of Kildare County Council?
- The wording regarding supporting the use of compostable materials and including reference to the plastic bag levy was worthwhile as it set the tone for the markets.
- Do traders need to apply for the licence annually. Was there a closed period for applications.
- The support and input of An Garda Síochána should be sought.
- Traders should be provided with a list of festivals at the beginning of the year.
- Any tweaks to wording could be made after the public consultation process.

Mr Shanahan advised that it was hoped that applications would be renewed with 60-day notice before expiry. It was hoped that applications would be assessed and renewed for a time period that would bring them in line with an annual licence renewal period around the same time of year for uniformity. The "Christmas-holiday" wording was quite specific and to avoid confusion, also specified the month of December. With so many events cancelled due





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to Covid there was currently no programme of events. The bag tax wording was simply there as a reminder as Kildare County Council had limited obligations in this regard.

Councillor Stafford proposed an amendment as below to clause 21 by insertion of the wording

*and where festivals exist (the particulars of which, where known, will be provided at the time of application)*

This was seconded by Councillor Power and agreed by all members.

Councillor Power proposed that Mr Shanahan's amendments as listed below be approved.

Insertion of the following:

To clause 11:

*Christmas-holiday related trees, garlands, wreaths and associated Christmas-holiday specific arts and crafts and other natural Christmas-holiday products, during the period of the month of December only.*

To clause 20:

*\*Casual trading licences shall not be granted for casual trading at the location indicated, during the period of the Kildare Derby Festival and St. Brigid's Festival.*

To clause 53 (i)

*The use of compostable or reusable alternatives to plastic bags is encouraged. Where a retailer provides plastic bags to customers, they must charge a 22c cost per plastic bag and pay this onward to the Revenue Commissioners (who, in this regard, collect a levy on behalf of the Department of Communications, Climate Action and Environment.)*

To clause 59

*The applicant will be given the opportunity to explain their absence in writing prior to any decision regarding revocation of the licence.*

To clause 71

*Revocation shall last for 1 year from the date of notice of the 3rd infringement.*

To clause 73

*Revocation shall last for 1 year from the date of notice of the misconduct.*



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This was seconded by Councillor Doyle and agreed by all members.

**Resolved** on the proposal of Councillor Doyle, seconded by Councillor Duffy and agreed by all members that the draft Casual Trading Bye-Laws 2022 for the Municipal District of Kildare-Newbridge, as amended, be placed on public display for public consultation under Section 6 of the Casual Trading Act 1995.

### **KN23/0122**

#### **Post Box Monasterevin**

The members considered the following motion in the name of Councillor N Connolly. That this council write to An Post asking them to provide an extra post box in the town of Monasterevin, preferably in the vicinity of Main Street or Kill Hill.

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

A report was received from the Meetings Administrator informing the members that if the members were in agreement, correspondence could issue to An Post as requested.

**Resolved** on the proposal of Councillor N Connolly, seconded by Councillor A Connolly and agreed by the members that correspondence issue to An Post.

### **KN24/0122**

#### **Liffey Lodge**

The members considered the following motion in the name of Councillor Heavey. That the council outline how a Centre of Excellence (adequately financed and managed) for young people aged 12 years and upwards may be established in the development of recently purchased property known as Liffey Lodge, Newbridge.

The motion was proposed by Councillor Heavey and seconded by Councillor Doyle. A report was received from the Housing Department informing the members that Kildare County Council had had an offer accepted for the acquisition of the property at Liffey Lodge. Subject to completion of the acquisition, plans for development of the site would be progressed. The property had been acquired with the benefit of housing capital funding, therefore, the development of housing would be a key element of the project.



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The members raised the following points:

- There was a severe lack of community facilities in the Newbridge area.
- The purchase of Liffey Lodge had been firmly seen as an opportunity for community facilities but the report does not address this.
- Could something similar to McAuley Place in Naas be considered.
- Could the next step of the proposal be outlined as there was an opportunity for a mixed use facility.
- Could a report or presentation be provided to members outlining the proposed plans for Liffey Lodge.

Mr B O’Gorman informed the members that the property had only just been acquired using housing funding. There were no substantive plans yet, but he appreciated the members views and would revert with a presentation.

The District Manager advised that the strong view of the members would be noted and that he would refer to the Housing Director of Services for further information.

**Resolved** on the proposal of Councillor Heavey and seconded by Councillor Doyle that the report be noted.

### **KN25/0122**

#### **Maintenance Works**

The members considered the following question in the name of Councillor T O’Dwyer.

Can the council confirm (with detailed timelines of works completed to date and outstanding work) when the maintenance works will be completed on *details provided* and when it will be made available to the housing allocation team?

A report was received from the Housing Department informing the members that it was hoped to have various works completed on this property by the end of April 2022. The works include chimney flue works and general pre-letting renovations and inspections. As works which had been undertaken and to be undertaken run concurrently it is not possible to give the level of detailed timelines requested.

The report was noted.

The Mayor proposed a 9 minute break at this point and the members agreed.



**KN26/0122**

**Suspension of Pay Parking Byelaws**

To consider and agree the temporary suspension of Pay Parking Byelaws including Enforcement in various locations across the MD area to facilitate the continued re-opening of businesses subject to S254 licence approval.

A report was received from the Roads, Transport and Public Safety Department informing the members that further to a previous suspension of Pay Parking Byelaws including Enforcement in various locations across the MD agreed for the period June to November 2021, the Members were now requested to consider a further suspension of the Pay Parking Byelaws including Enforcement for the period January to November 2022. As previously advised, the Strategic Projects & Public Realm team had secured funding for the roll out of temporary measures such as the provision of parklets and outdoor seating areas for general public use in the following towns across the County; Celbridge, Leixlip, Maynooth, Naas, Kildare and Newbridge. It was proposed to continue to provide outdoor seating areas, on a temporary basis during 2022, some of which may require the temporary suspension of Pay Parking Byelaws including enforcement. The rollout of these temporary measures had been and would continue to be done in consultation with the Area Engineer to ensure that the proposed location was appropriate and safe and to ensure sufficient car parking needs within each town remain available. In tandem with the above temporary measures, a number of businesses had again expressed an interest in the provision of parklets for their customers exclusive use at locations across the Municipal District. Where a business wished to provide a parklet, to do so they must have a Section 254 licence (under the Planning & Development Act, 2000 as amended). Every such S254 licence application was reviewed by the Area Engineer and the Public Realm team, who provided reports to the case planner who then carried out a full planning assessment of the proposal. All S254 licences issued were for a specific period, after which all furniture and associated equipment must be removed or a new S254 application submitted for further consideration. Where a S254 licence was approved for the provision of a parklet in a paid parking bay(s), the Members approval was required for the temporary suspension of Pay Parking Byelaws including Enforcement at the location. The Members were asked to consider granting approval for the following two scenarios for the period January to end of November 2022:



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1. The temporary suspension of Pay Parking Byelaws including Enforcement at various locations across the Municipal District to enable the Strategic Projects & 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).

Ms M Hunt informed the members that this would be a continuation of the temporary suspension of pay parking from last year and would be subject to Section 254 licenses. If an area was considered safe for seating a license could be granted.

The members raised the following points:

- Was there a means of removing licenses for problematic issues especially when pubs were allowed to open later.
- What was the duration of a Section 254 license and were businesses contacted to renew same.
- While the suspension of pay parking had been successful to date there was a concern over lack of enforcement especially in relation to the Square in Kildare Town where cars were still parking. Could a meeting with the Select Vestry be arranged regarding this.

Ms Hunt advised that provided an area was considered safe a Section 254 license would be granted for either 6 or 12 months and the onus was on the business to reapply to renew the licence. Consumption of alcohol in a public place was prohibited and would be enforced by An Garda Síochana. If businesses were not compliant, licences could be withdrawn.

In relation to the Square in Kildare Town, Ms Hunt advised that signage was being ignored and she had spoken with local businesses in the area regarding a proposed electronic barrier which would be opened with a key code. She confirmed she had spoken with the Select Vestry and would organise another meeting.

**Resolved** on the proposal of Councillor Doyle, seconded by Councillor Duffy and agreed by the members that Pay Parking Byelaws including Enforcement in various locations across



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the MD area be suspended to facilitate the continued re-opening of businesses subject to S254 licence approval.

### KN27/0122

#### Material Contravention

To consider the proposed Material Contravention of the Kilcullen Local Area Plan 2014-2020, Planning Reference 21/902, Bella Enterprises Limited T/A Dunlea's of Kilcullen at Brownstown, Kilcullen, Co Kildare.

Mr M McLoughlin informed the members that Bella Enterprises Ltd had applied for a motor sales showroom which the zoning matrix did not permit.

The members raised the following points:

- Would this have an impact on other or future businesses by setting a precedent
- Had other sites been identified which could be zoned industrial.
- The footprint of this development was too large for town centre but zoning matrices were undermining town centres, with coffee shops being allowed in retail parks.
- Planning permission had already been granted for elements of this development. Had a new application been sought. Seeking members approval for the material contravention was proper process so why was it not sought for rezoning of amenity land.
- Could access points to the development be confirmed as there seemed to be a large compound for car storage and had sufficient alternatives sites been found given the size of the site.

Ms F Breen advised that each application was treated on its own merits. Dunleas had permission for all bar the motor sales showroom which had been omitted from the original application. In other areas a motor sales showroom would have been permitted under the zoning matrix as it was a complementary use to car repair and there was a need for zoning matrices to be streamlined. The material contravention would apply to this application only and would not change the current zoning. If lands were zoned "open" there would be no need for a material contravention as had applied in the case of amenity land. The Local Area Plan would soon be up for review and sites for industrial zoning could be looked at then.

**Resolved** on the proposal of Councillor S Doyle, seconded by Councillor A Connolly and agreed by the members that the proposed material contravention of the Kilcullen Local Area



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Plan 2014-2020, Planning Reference 21/902, Bella Enterprises Limited T/A Dunlea's of Kilcullen at Brownstown, Kilcullen, Co Kildare be approved.

The Mayor took the opportunity, on behalf of the members, to congratulate Mr Mark McLoughlin on his book for the Decade of Commemoration regarding Lt Wogan-Browne.

### KN28/0122

#### Magee Barracks Site

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

That when the council is considering any planning applications on the Magee Barracks site, that they give consideration to including a condition to provide the delivery of road linkages between Dublin Road and Melitta Road as part of the planning permission.

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

A report was received from the Planning Department informing the members that the Planning Department worked closely with the Transportation Directorate to ensure that appropriate development was delivered that was consistent with the policies contained in the Kildare Local Area Plan and County Development Plan including transportation objectives. The Planning Team always ensured that pre-planning discussions and decisions on planning applications were consistent with the delivery of these objectives.

The members raised the following points:

- It would be a missed opportunity not to have part of these road linkages delivered as a condition of planning applications.
- The Department of Education does not normally deal with ancillary services or anything outside the school gates
- Would it be possible to have a special contribution applied to planning applications to deliver road linkages such as these.

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



**KN29/0122**

**Wilson's Bridge Kiltaghan Rathangan**

The members considered the following motion in the name of Councillor A Connolly.

That the council liaise with Irish Waterways, requesting that as a matter of priority, the walk-through opening at Wilson's Bridge, Kiltaghan, Rathangan be made wider, to enable buggies and wheelchair users access the Blueway.

The motion was proposed by Councillor A Connolly and seconded by Councillor McLoughlin Healy.

A report was received from the Planning Department informing the members that in the long term, this gate was scheduled to be removed and replaced with a staggered gate further down the towpath as part of the bound surfacing and access works. The existing gate was narrow due to historical issues with local horses accessing the bank.

In the interim between now and the bound surfacing and access works being completed, Waterways Ireland proposed to open the main gate and place 2 no. bollards in the gate opening to prevent vehicular traffic. These temporary modifications will be undertaken in the following fortnight, with the permanent solution being in place in Summer 2022.

The Mayor advised that he needed to step out for a few minutes and requested that Councillor Doyle take the Chair. The members agreed.

The members raised the following points:

- Currently families in the area were having to lift buggies over the gate and the report was very welcome.
- What was the long term solution being provided and what would be the future interface be regarding right of way at road crossings.

Ms M Hunt advised that the design for road crossings had gone to tender as there was a need for a consistent approach.

**Resolved** on the proposal of Councillor A Connolly and seconded by Councillor McLoughlin Healy that the report be noted.





**KN30/0122**

**Road Resurfacing along canal in Monasterevin**

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

That the council include the necessary road resurfacing upgrades along the Canal in Monasterevin to coincide with the works being completed as part of the Barrow Blueway from West End to Old Grange crossroads.

The motion was proposed by Councillor Duffy and seconded by Councillor A Connolly.

A report was received from the Planning Department informing the members that the preliminary design of this section of the Barrow Blueway only provided and budgeted for the repair where required, of the existing footpath and the provision of on road cycle paths. The Strategic Projects & Public Realm team were working with the Roads Department to determine if this section of road could facilitate one way traffic, which would allow for a revision to the design and resurfacing of the existing section of roadway at this location. However, it should be borne in mind that in order to resurface this section of road under the current Barrow Blueway plan, the overall route would need to be examined with a view to scaling back some of the overall design so as to accommodate the additional cost of this proposal.

Councillor Duffy advised that this was a large public realm space but it would not attract tourism due to the very poor condition of the road. With the addition of a new cycle path and footpath could an additional avenue of funding be explored.

Ms M Hunt advised that a costing had already been requested for the works and funding could be explored when this figure was known.

**Resolved** on the proposal of Councillor Duffy and seconded by Councillor A Connolly that the report be noted.

**KN31/0122**

**Planning Applications Off-Licences**

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

Can the council give an update on the number of successful planning applications in this municipal district for multiples and extensions to off-licenses associated with the retail sector



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over the past 5 years, and how many of those were conditioned with delivery of a bring centre to support recycling?

A report was received from the Planning Department informing the members that the Planning Department did not have figures readily available on the number of successful planning applications categorised in the format requested or by municipal district. The Council operated two recycling facility, and a third recycling facility was being planned. The Planning Department in conjunction with the Environment Department assessed the appropriateness of Bring Centres on a case by cases basis and would include in planning conditions where appropriate in accordance with Section 17.10.4 of the Kildare County Development Plan. It was noted that Bring Centres were only considered for large-scale residential and mixed-use developments and were not considered for extensions to off-licences. The forthcoming national waste management plan was expected to require producers to minimise waste and incorporate bring back facilities for taking packaging/can/bottles etc.

The report was noted.

The Mayor returned and took the Chair.

The Mayor proposed that standing orders be suspended until 1.30pm to enable the business of the meeting conclude. This was seconded by Councillor Doyle and agreed by the members.

**Resolved** on the proposal of the Mayor, seconded by Councillor Doyle and agreed by the members that standing orders be suspended to 1.30pm to enable the business of the meeting conclude.

### KN32/0122

#### **Curragh Plains and Donnelly's Hollow**

The members considered the following motion in the name of Councillor McLoughlin Healy. That the council provide an update on efforts to protect and manage the Curragh Plains to include but not be limited to a progress report, end date and the next steps in relation to; the conservation and management plan; the mediation between the council and the



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Department of Defence relating to dumping at Donnelly's Hollow, including the grounds for mediation and associated costs.

A report was received from the Planning Department informing the members that Kildare County Council along with the Department of Defence are currently reviewing the draft Conservation Management Plan (CMP) for the Curragh Plains. Work on the Interpretation, Branding and Wayfinding Plan (which is informed by the Conservation Management Plan) will commence in the coming weeks. The draft CMP, including proposed policies and the initial Interpretation, Branding and Wayfinding proposals will be going back out for consultation during late Quarter 1 2022, with final documents expected to be completed by the end of June 2022.

A second report was received from the District Manager informing the members that a mediation agreement was concluded in December 2021 wherein the Department of Defence had agreed to remediate the site, the details of which will be contingent on further extensive environmental reports being carried out by the Department of Defence. Further information would be available in due course when these reports were to hand. The mediation costs were in the region of €10,000.

The members raised the following points:

- Major damage was being done to the Curragh Plains and the area needed protection from vehicles and overgrazing.
- Who paid the costs of the mediation fee?
- Who paid the remediation costs?
- Were there any reassurances that an incident like this could not happen again?
- It was very disappointing that Kildare County Council had to chase the Department of Defence and go through mediation to have the matter resolved.
- What was the nature of the dumping behind Donnelly's Hollow and the trigger for the mediation process?
- Could the mediation report or the Kildare County Council report be circulated to members?

Ms M Hunt advised that the plan was currently being edited and would be circulated when this was completed. The Interpretation and Branding Plan was going to public consultation. Any actions would be informed by science and taken from the Interpretation and Branding



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Plan. She advised that it was imperative to keep momentum going as with every month that passed more damage was being done.

The District Manager advised that the Department of Defence were accountable for the dumping at the back of Donnelly's Hollow. The mediation process was triggered by the dumping at the back of Donnelly's Hollow. The waste consisted of construction and demolition waste which following a risk assessment, was not considered to be a major concern to the environment. Mediation was considered to be the best course of action to avoid delays as court proceedings would be lengthy and expensive. The mediation costs were borne by both parties at a cost of €10k each and remediation costs would be borne by the Department of Defence. As the mediation process was confidential, no reports could be provided to the members.

**Resolved** on the proposal of Councillor McLoughlin Healy and seconded by Councillor T O'Dwyer that the report be noted.

### **KN33/0122**

#### **St Conleth's Cemetery Car Park**

The members considered the following question in the name of Councillor P O'Dwyer.  
Can the council provide an approximate date for the commencement of the upgrade of St Conleth's Cemetery car park and other works?

The District Manager advised that a development across the road would have an impact on works with the realignment of the road and addition of cycle paths. Upgrade works to the car park would be done when the development was completed.

The verbal report was noted.

### **KN34/0122**

#### **Mattress Recycling**

The members considered the following question in the name of Councillor A Connolly.  
Can the council confirm if it has set aside a date for the free recycling of old mattresses within the municipal district during 2022?



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A report was received from the Environment Department informing the members that following a public tendering process, the council held a mattress/couch amnesty day for domestic householders at the Silliot Hill Civic Amenity site in Kilcullen in September 2021. The event costs of appx €50,000 were helped by funding of €30k from the Anti-Dumping Initiatives Grant Scheme through the Dept of Environment, Climate and Communications. There were no plans at present to run a similar event in 2022. However, it should be noted that any such plans would be subject to available funding and consideration of a suitable location countywide. (There were calls for a similar event to take place in the north of the county).

Any proposed event should also be seen in the light of the “polluter pays principle” and the circular economy.

It was important to understand that as we all produce waste, we all have to take responsibility for it. The public were reminded that items too big for the regular household waste collection service, such as furniture and mattresses, could be disposed at a civic amenity site or taken away by an authorised waste collector.

The report was noted.

### **KN35/0122**

#### **Septic Tank Inspections**

The members considered the following question in the name of Councillor A Connolly.

Can the council confirm if the inspection of septic tanks within this municipal district has commenced?

A report was received from the Environment Department informing the members that the Environment Section were responsible for carrying out septic tank inspections under the EPA National Inspection Plan and those carrying out the inspections were fully trained and approved by the EPA to do this work under the relevant legislation.

The latest National Inspection plan ran from 2022 to 2026.

The EPA had divided each county into 3 risk zones and specified the total number of inspections to be carried out in each county and in each risk zone.

A number of inspections were carried out under the previous National Inspection Plan in the Kildare-Newbridge Municipal District. Sites for 2022 had not yet been selected.



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The report was noted.

### **KN36/0122**

#### **1916 Memorial Garden**

The members considered the following motion in the name of Councillor A Connolly. That the council put in place a tap to assist the Tidy Town Group and Organisation Committee in the upkeep of the 1916 Memorial Garden at Fenview Heights, Milltown.

The motion was proposed by Councillor A Connolly and seconded by Councillor P O'Dwyer.

A report was received from the Parks Department informing the members that the group would have to apply to Irish Water if they needed a water connection for a tap. The connection cost and ongoing cost associated with a tap would have to be met by the group. There was no scope within the Parks budget to meet these costs. A more practical and climate friendly solution may be to set up a water butt on some of the houses in the estate and use that to maintain the 1916 garden.

Councillor A Connolly advised that she was disappointed with the response but would relay the information to the group.

**Resolved** on the proposal of Councillor A Connolly and seconded by Councillor P O'Dwyer that the report be noted.

### **KN37/0122**

#### **Brigid 1500**

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

That the executive and the members of the Kildare-Newbridge Municipal District commit to the earmarking of sufficient resources from appropriate budgets towards the Brigid 1500 celebrations given the significance of the event for the Kildare-Newbridge Municipal District.

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

A report was received from the Community Department informing the members that following the recent presentation by Abarta Heritage Limited on January 13 on The Brigid 1500



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Heritage Strategy and business plan an amount of €20,000 LPT was requested of each Municipal District (MD). This funding would allow for the preparation, planning and identification of funding streams for the celebration in the years ahead. It was hoped that this MD and others would look favourably on this request. Furthermore, our community and cultural grant processes would incorporate the theme of Brigid 1500 as communities were encouraged to actively engage in this significant celebration.

The members raised the following points:

- Being the birthplace of St Brigid, the Kildare-Newbridge Municipal District should be front and centre of the Brigid 1500 event.
- It would be more prudent for this item to be discussed as part of the overall LPT allocation discussion.
- There was an opportunity for private sponsorship.
- The members needed to start driving this with a degree of urgency.

**Resolved** on the proposal of Councillor Stafford, seconded by Councillor T O'Dwyer and agreed by the members that the item should be discussed as part of the LPT allocation discussion.

### KN38/0122

#### Footpath Liffey Linear Park

The members considered the following motion in the name of Councillor McLoughlin Healy. That the council provide an update on its plans to make safe sections of path beside the river at Liffey Linear Park near 'The Gables' that are extremely dangerous to include options, cost and timeline.

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

A report was received from the Parks Department informing the members that a tender to engage a consultant was being prepared. The council planned to have this issued in the next 4-6 weeks. This would be to design a proposal for a retaining wall to support a handrail which was not possible on the existing embankment. The cost of an engineering consultant to design and supervise the construction was likely to be approximately €15k. It was not



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possible to give timeframes for the completion of the design until a consultant had been appointed to carry out the work. Similarly, until the design solution was complete it was not possible to give a timeframe or costings for the implementation of the solution. However, we would be aiming to complete the works over the Summer and could update the members with timelines and costs when these were available.

It was intended to progress and complete this work in 2021 but due to the loss of a staff member who was working on this, this was not possible.

Councillor McLoughlin Healy stated she was happy with the report as the current position with the path was worrying.

**Resolved** on the proposal of Councillor McLoughlin Healy and seconded by Councillor N Connolly that the report be noted.

### **KN39/0122**

#### **Park at Cherry Avenue, Kildare**

The members considered the following question in the name of Councillor N Connolly. Can the council provide an update on the plans for the park in Cherry Avenue, Kildare Town?

A report was received from the Parks Department informing the members that archaeological investigation was completed for the site last year. The next step was to carry out a feasibility for the proposed amphitheatre and then to follow this with a tender to design the central earth feature and progress these by the end of the year. When this was completed it was planned to tender for the detail design and construction of phase 1 of the Masterplan to allow the park be opened for use.

Councillor N Connolly queried whether a skate park, drinking fountain and a learn to cycle initiative similar to the one which opened recently in Waterford were being considered.

Mr S Wallace advised that a detailed design was yet to be provided but that a drinking fountain and skate park could be looked at but he did not believe the learn to cycle park could be accommodated.

The report was noted.





**KN40/0122**

**Campion Crescent, Kildare**

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

Can the council furnish an update on the completion of the agreed landscaping works at the entrance to Campion Crescent, Kildare following the road realignment?

A report was received from the Roads, Transport and Public Safety Department informing the members that works at this location were completed in excess of 10 years. The Municipal District Office was unaware of any agreement in relation to landscaping, however, the Municipal District Engineer was happy to meet the member on site to discuss. Any works would be subject to funding being available.

The report was noted.

Before concluding the meeting, the Mayor stated that on his own behalf and on behalf of the members of the Municipal District, he wished to acknowledge the tragic murder of Ashling Murphy in Tullamore and to extend sincere sympathy to her family, friends and her community.

The meeting concluded.