

**Minutes of Naas Municipal District Meeting held at 3.30 pm on
Tuesday, 21 January 2020
in the Council Chamber, Áras Chill Dara, Naas**

Members Present: Councillor C Kelly (Mayor), A Breen, F Brett, B Clear, V P Martin and E Sammon.

Apologies: Councillor S Moore.

Officials Present: Mr E Ryan (Municipal District Manager), Ms P Pender, Mr E Fagan (Administrative Officers), Mr D Reel (Municipal District Engineer), Mr S Wallace (Senior Executive Parks Superintendent), Mr J Hannigan (Meetings Administrator) and Ms K O'Malley (Meetings Secretary).

NS01/0120

Suspension of Standing Orders

The Mayor proposed to suspend standing orders at 3:30 p.m. for five minutes.

Resolved on the proposal of Councillor Kelly, seconded by Councillor Brett and agreed by all members that standing orders be suspended for five minutes until 3:35 p.m.

NS02/0120

Vote of Sympathy

The Mayor conveyed Councillor Moore's apologies as he was unable to attend the meeting and requested a minute silence for the late Agnes Moore, wife of Councillor Seamie Moore and extended their sympathies to the Moore family

NS03/0120

Minutes and Progress Report

The members considered the minutes of the monthly meeting held on 10 December 2019 together with the progress report.

The minutes were approved subject to the following amendments:

Amendment to item **NS25/1219** as follows:

On foot of Councillor Moore's suggestion, Councillor Martin asked that this motion item number 24 on the agenda be adjourned until an update had been received from Ms Sonya Kavanagh, Director of Services, Economic, Community and Cultural Development in relation to the matter. The members unanimously agreed.

Amendment to item **NS05/1219** as follows:

Mr Reel informed the members that the Naas Municipal District carparking surplus was €553,941 and the LPT element was €916,740.

The members approved the roads projects for consideration and decided to make the decision in relation to the schedule of works 2020 at the January 2020 meeting.

Resolved on the proposal of Councillor Sammon, seconded by Councillor Moore and agreed by all the members that the roads projects be approved for consideration and the decision in relation to the schedule of works 2020 be made at the January 2020 meeting.

Resolved on the proposal of Councillor Breen, seconded by Councillor Clear that the minutes of the monthly meeting held on 10 December 2019, of the Naas Municipal District be confirmed with the amendments as outlined and taken as read. The progress report was noted.

NS04/0120

Municipal District Road Works

Mr Reel, Municipal District Engineer updated the members on the municipal district road works. He stated that the 2019 schemes were substantially complete. In relation to the 2020 programme, Mr Reel informed the members that funding was awaited from DTTAS (Department of Transport, Tourism and Sport). He also stated that the members were working on the LPT element of funding for the roads and footpath works programme 2020.

Councillor Breen sought the members agreement for Poplar Square to be closed off on 17 March 2020 for a St Patrick's Day event. The Municipal District Engineer stated that an Irish Group were looking to hold a music event and confirmed that subject to the members agreement, barriers would be erected and Poplar Square closed off. He stated that this also happened in 2019. The members agreed.

NS05/0120

Naas Municipal District LPT Schedule of Works 2020

The Mayor confirmed that this matter was in progress.

The Meetings Administrator stated that he had received a number of applications for LPT project from the members. The members agreed the funding of the following projects through unspent 2019 LPT funding:

Scoil Bhríde, Kilcullen and Cross and Passion College, Kilcullen - €4,000 to provide bicycle racks at school to enable children safely park and lock their bicycles.

Resolved on the proposal of Councillor Brett, seconded by Councillor Clear and agreed by all the members that €4,000 be allocated to Scoil Bhríde, Kilcullen and Cross and Passion College, Kilcullen.

Going Plastic Free (Ireland) - €20,000 for the purchase and installation of a reverse vending machine in Naas for plastic bottles and cans.

Resolved on the proposal of Councillor Martin, seconded by Councillor Breen and agreed by all the members that €20,000 be allocated to Going Plastic Free (Ireland).

Ballymore Concert Band - €5,000 for building works to the Bandhall.

Resolved on the proposal of Councillor Sammon, seconded by Councillor Brett and agreed by all the members that €5,000 be allocated to Ballymore Concert Band.

Poulaphouca Paddlers - €3,896 for four kayaks for childrens group ages seven and above.

Resolved on the proposal of Councillor Sammon, seconded by Councillor Breen and agreed by all the members that €3,896 be allocated to Poulaphouca Paddlers.

Naas CBS - €1,500 for the Sunflower Project.

Resolved on the proposal of Councillor Clear, seconded by Councillor Brett and agreed by all the members that €1,500 be allocated to Naas CBS.

NS06/0120

Deputation from Kildare Youth Services KYS

The Mayor proposed that the members receive the deputation from Kildare Youth Services KYS at an in-committee meeting at 3.30 pm on 18 February 2020 and that the standing orders of the Naas Municipal District Meeting be suspended for 15 minutes on that date to facilitate this.

Resolved on the proposal of Councillor Clear, seconded by Councillor Breen.

NS07/0120

Removal of Graffiti in Naas

The members considered the following motion in the name of Councillor Clear. That the council contract a graffiti removal company to remove various graffiti from poles, boxes, walls and buildings recently tagged in Naas.

The motion was proposed by Councillor Clear, seconded by Councillor Brett.

A report was received from the Water Services and Environment Department informing the members that there were major concerns about Kildare County Council removing graffiti from private premises/property. There were other implications to consider here, eg possible claims against the council if the removal were to result in damage to the property. The owner/occupier of the property should deal with the issue. The councillor might provide information on the specific sites to facilitate further investigation/action.

Councillor Clear stated that most of the graffiti was on ESB poles and confirmed that there had been 30 pieces of tagging around Naas, stating that this had major implication on Naas Tidy Towns endeavours in the Tidy Towns Competition. He informed the members that he had contacted the ESB who stated that they would

not have the time or resources to remove the graffiti. He suggested that a letter issue to the ESB from Kildare County Council and also suggested that Kildare County Council provide funding to Naas Tidy Towns to remove the graffiti.

Councillor Brett expressed his dissatisfaction with the ESB stating that the ESB were a most difficult organisation to deal with and it was very hard to contact anyone in the local area.

The Municipal District Manager stated that he would follow up on the matter with the Environment Department noting that the quicker the graffiti was cleaned up the better and confirming that a letter would issue to the ESB. The members agreed. He also asked Councillor Clear to forward a list of sites and stated that there was a possibility that funding could be provided to the Tidy Towns to assist them with the removal of graffiti.

Resolved on the proposal of Councillor Clear, seconded by Councillor Brett that the report be noted and the Municipal District Manager to follow up on the matter with the Environment Department. A letter to issue to the ESB asking them to remove graffiti from their properties.

NS08/0120

Weedkilling/Weeding on Footpaths in Naas

The members considered the following motion in the name of Councillor Kelly. That the council include weedkilling/weeding in the footpath cleaning process on the streets of Naas.

The motion was proposed by Councillor Kelly, seconded by Councillor Brett.

A report was received from the Roads, Transportation and Public Safety Department informing the members that the Naas Municipal District would be carrying out the spraying of footpaths on the main streets in the end of Quarter 1/start of Quarter 2 2020.

Resolved on the proposal of Councillor Kelly, seconded by Councillor Brett that the report be noted.

NS09/0120

Public/Commuter Parking in Sallins

The members considered the following motion in the name of Councillor Kelly.
That this Municipal District Committee receive a report on what solutions the council are progressing for public/commuter parking in Sallins.

The motion was proposed by Councillor Kelly, seconded by Councillor Breen.

A report was received from the Roads, Transportation and Public Safety Department informing the members that there were no immediate plans to progress parking in Sallins in advance of the opening of the Sallins By-Pass scheduled for later this year. However, Kildare County Council would work favourably with Iarnród Éireann to reach a solution.

Councillor Kelly stated that she had spoken to the Roads Department Director of Service and was aware that he had been in contact with Iarnród Éireann and had received a different update than the members had received. She confirmed that she was told that there were no current negotiations taking place in relation to the underground carpark however the Director of Services was told there were. Councillor Kelly asked the council to contact the NTA and Iarnród Éireann to progress the matter.

The Municipal District Manager stated that he had spoken to the Director of Services and confirmed that there were discussions with the NTA confirming that all avenues would be pursued to see what could be done.

Councillor Clear stated that there was a noticeable reduction in people travelling on the train noting that they had reverted to using their cars. He stated that the road was starting to fill up again following the completion of the widening works as result. Councillor Clear also confirmed that the owners of the Waterways were eager to conclude a deal with Iarnród Éireann.

Councillor Brett stated that the owners of the ground behind Lidl were willing to provide the ground free of charge to use as a carpark.

Councillor Martin agreed with the members comments noting that it was a pity that people could not use the train service. He stated that carparking was also an issue in Newbridge.

Councillor Sammon agreed with the members comments stating that there was a need to extend the short hop zone and noting that Portlaoise was now part of the commuter belt.

Councillor Kelly asked that the council to put pressure on the NTA and Iarnród Éireann and stated that the owners of the Waterways were eager to open the underground carpark.

Resolved on the proposal of Councillor Kelly, seconded by Councillor Breen that the report be noted and all avenues to be pursued to see what could be done to provide additional carparking in Sallins.

NS10/0120

Yellow Box at the entrance to Hillside Park on the Sallins Road

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

That the council provide a Yellow Box at the entrance to Hillside Park on the Sallins Road.

The motion was proposed by Councillor Breen, seconded by Councillor Sammon.

A report was received from the Roads, Transportation and Public Safety Department informing the members that this motion had been referred to the Technical Assessment and Advisory Group (TAAG). The item would be assessed and a report would issue in due course.

Councillor Breen stated that she had tabled the motion on behalf of the residents of Hillside Drive noting that a similar motion had been tabled in 2017 and no reply had

been received. She informed the members that the residents wanted to know when a yellow box would be installed.

Ms Pender stated that she would follow up on the matter and contact Councillor Breen directly.

Resolved on the proposal of Councillor Breen, seconded by Councillor Sammon that the report be noted and the Roads Department to follow up on the matter and contact Councillor Breen directly.

NS11/0120

Flooding issues on the Kill Road adjacent to Kill GAA club

The members considered the following motion in the name of Councillor Brett.
That the council investigate ongoing flooding issues on the Kill Road adjacent to Kill GAA Club.

The motion was proposed by Councillor Brett, seconded by Councillor Sammon.

A report was received from the Roads, Transportation and Public Safety Department informing the Naas Municipal District Office would investigate this issue and clean out gullies, as required.

Councillor Brett stated that the gully built into the kerb was blocked and everytime it rained the road flooded and school children got splashed by passing vehicles.

The Municipal District Engineer stated that since the report was issued the gully had been cleaned.

Resolved on the proposal of Councillor Brett, seconded by Councillor Sammon that the report be noted.

NS12/0120

M7 Widening and the Sallins Bypass

The members considered the following question in the name of Councillor Clear.
Can this municipal district committee get an update on the M7 widening and the Sallins bypass with particular attention to linkages for cyclists and pedestrians at the Clane end of the road and cycling and pedestrian connections to Osberstown Road?

The following report was received from Kildare County Council's National Roads Office:

M7 Naas to Newbridge By-Pass Upgrade, M7 Osberstown Interchange and R407 Sallins Bypass - Project Update

The temporary 80 kilometre per hour speed limit remains in place on the M7 Naas - Newbridge By-Pass, due to ongoing works at M7- Junction 10 (Newhall) and at a number of verge locations at Newhall and Lewistown, where attenuation pond works by the contractor are still ongoing. Pending completion of these works and in the interests of both worker and public safety, the temporary 80 kilometre per hour speed limit is being maintained. It is anticipated that the works will not be completed until mid-February. Additionally, the R407 Sallins By-Pass is now projected to be completed and open to traffic in Summer 2020. When R407 Sallins By-Pass is completed, the new interchange at Osberstown on the M7, Junction 9a, will open as well. Should the contractor, SIAC Colas JV, be able to achieve Sallins By-Pass completion before summer 2020, updates will be announced.

Three Key Elements of the Project

1. Widening the existing M7 motorway from two lanes to three lanes both eastbound and westbound for approximately 14km, between Junction 9 Naas North, (at Maudlins (Perpetual Motion Ball)) and the M7/M9 interchange, at Junction 11.
2. Replacing and relocating the existing ramps at Junction 10 Naas South Newhall to the main Naas to Newbridge dual carriageway, the R445.
3. Construction of the R407 Sallins By-Pass (which includes approximately 1.7km of new Type 2 Dual Carriageway and 2.0km of single carriageway),

together with a 1.2km single carriageway link road from the By-Pass to Sallins town centre, as well as the construction of a new interchange at Osberstown between Junctions 9 and 10 which will be designated Junction 9a.

Linkages for pedestrians and cyclists

Facilities for pedestrians and cyclists on the Sallins By-Pass are being provided in accordance with the Environmental Impact Statement (EIS) requirements. The attached drawing extracted from the EIS shows the type and extents of these facilities.

In response to Councillor Clear's question regarding the opening of Junction 9a, the Municipal District Manager stated that it would open when the bypass was completed.

The members stated that they had a number of questions in relation to the project.

Ms Pender informed the members that she would arrange for a presentation on the project to be given to them.

The report was noted.

NS13/0120

Installation of Electric Vehicle (EV) charging stations in Sallins

The members considered the following question in the name of Councillor Kelly. Can this council be informed when Electric Vehicle (EV) charging stations will be installed in Sallins?

A report was received from the Roads, Transportation and Public Safety Department informing the members that there were two designated EV charging bays in Sallins Parking Bye-Laws. The two designated bays were located at Canal View off street car park which faces onto main street and adjoins Chapel Lane. There were no

immediate plans for the installation of EV charging stations given that Kildare County Council still awaits communication and confirmation from the Department of Communications, Climate Action and Environment (DCCAE) on funding arrangements, terms and conditions etc.

Ms Pender updated the members on the scheme stating that funding was being distributed through applications to the SEAI, each Local Authority must complete an application form and submit to SEAI for funding. She confirmed that the Roads, Transportation and Public Safety Department were assessing the information in preparation of making an application and stated that the information had only been received in the last few days.

The report was noted.

NS14/0120

Naas Transport Strategy

The members considered the following question in the name of Councillor Kelly.
Can this council receive a progress report on the Naas Transport Strategy?

A report was received from the Roads, Transportation and Public Safety Department informing the members that the Draft Naas Transport Strategy was now approaching conclusion. It is anticipated that a second wave of public and stakeholder consultation, including a presentation to the Naas Municipal District members, would be undertaken in Quarter 1 2020.

The Municipal District Manager stated that the presentation to the Naas Municipal District members would most likely take place in March and confirmed that the Planning Department were anxious to get the draft so that work could be progressed.
The report was noted.

NS15/0120

Kill Pedestrian Crossing

The members considered the following question in the name of Councillor Breen.
Can the council provide an update on the status of the Kill Pedestrian Crossing?

A report was received from the Director of Services in the Roads, Transportation and Public Safety Department informing the members that a pedestrian crossing was installed as a temporary measure during the construction of the M7 widening scheme. This was removed last summer, and there is no current proposal to install a pedestrian crossing in Kill Village. When the M7 motorway works are fully completed, and mainline traffic speed reinstated to 120km/h, a pedestrian/ traffic count will be undertaken in Kill. This will establish whether a warrant exists for a crossing, and if so, where is the best siting of same.

Councillor Breen expressed her disappointment with the report stating that she hoped her colleagues would support her.

The Municipal District Manager informed the members that he would speak to the Director of Services and revert to them.

The report was noted.

NS16/0120

Changing the name of Poplar Square to John Devoy Square.

The members considered the following motion in the name of Councillor Clear. That the council advise this municipal district committee what the process is for changing the name of Poplar Square to John Devoy Square.

The motion was proposed by Councillor Clear, seconded by Councillor Sammon.

The Municipal District Manager outlined the procedures involved in changing the name of a place and stated that considering new regulations had been drafted but a Statutory Instrument had not yet been issued by the Department of Housing, Planning and Local Government, his advice was to wait until the new legislation was received.

Councillor Clear stated that the name of Poplar Square was out of date and he would welcome the public consultation plebiscite. It was agreed to wait for new legislation to be issued.

Resolved on the proposal of Councillor Clear, seconded by Councillor Sammon that the report be noted and the members would wait for new legislation to be issued by the Department of Housing, Planning and Local Government.

NS17/0120

Drainage Channel Maintenance Programme 2020

The following report from the Ms O'Brien, Senior Executive Engineer was circulated to the members in advance of the meeting:

Following the abolition of the Barrow Drainage Board in December 2014, the council established the Drainage Channel Maintenance Crew which consists of 2 General Operatives and a General Site Supervisor (whom we share with Offaly County Council). We also have a Section 85 agreement in place with Offaly County Council which allows their crew (consisting of one General Operative to do work with Kildare and vice versa). Therefore the total staff available to carry out drainage maintenance is a maximum of 4 persons. The works carried by the crew include silt and vegetation management, aquatic vegetation cutting, bank protection, tree cutting, branch trimming, bridge and structure repairs. In-stream works with machinery are limited to the months of July, August and September. Tree cutting is limited to between September and February. Works in watercourses that are Special Areas of Conservation (SACs) or discharge into SACs require an Appropriate Assessment to be carried out before any works can be done. All works are carried out in accordance with the OPW Environmental Management Protocols and Standard Operating Procedures for Drainage Maintenance Service and with the councils own Health & Safety requirements.

Other issues which can affect works include restrictions from Inland Fisheries Ireland, such as the current restrictions aimed at minimising the impact of the Crayfish plague currently in the River Slate and River Barrow. The areas where the drainage crew operate works are limited to drainage districts or locations where flood relief schemes have been constructed under the Local Authorities Works Act 1949. Drainage Districts are areas where drainage schemes to improve land for agricultural purposes were constructed. The duty of maintenance for these lies with the Local

Authorities concerned. In other areas, the responsibility for the condition of the channel and riverbanks typically rests with the riparian owner.

Riparian rights arise when a body of water flows through or abuts land. Each riparian owner may enjoy rights to the water or river. Their right to the flow of water is subject to the ordinary use by persons upstream. The converse of the right to water flow is the right of drainage. This is the right to allow water to flow from one's land away. The right of drainage does not prevent another adjoining landowner from taking the necessary steps to prevent flooding, in order to protect their land. The right is not absolute. A person may do no more than necessary acting with reasonable skill and care necessary to protect their own enjoyment. They may not act to injure or damage their neighbour. The burden of keeping the watercourse in order lies with the dominant owner. Currently, there are no drainage districts in the Naas Municipal District. The Johnstown flood relief scheme was constructed under the 1949 Act and is maintained by the Drainage Channel Maintenance Crew. The Drainage Channel Maintenance Crew also provide assistance when possible to the municipal district staff in maintaining culverts in Naas, e.g. at Millbrook Villas.

Mr Fagan attended the meeting on behalf of the Water Services and Environment Department and informed the members that if they had any questions he would take them back to the department to be answered.

Councillor Kelly asked for an update on the Morrell Flood Management Scheme and Mr Fagan confirmed that the Water Services and Environment Department would revert to the members with an update.

The report was noted.

NS18/0120

Derelict Sites Register

The members considered the following question in the name of Councillor Clear.
Can the council confirm that the Donnelly Mirrors site, the Cemex site in Naas and the old Odlum's site in Sallins are on the Derelict Site Register?

The following report received from the Water Services and Environment Department: Following a discussion amongst the members at the November plenary council meeting, it was agreed that the process on derelict sites be outlined for the members, to include a definition of what is a derelict building (or site) and details on whether Protected Structures can be included on the list. To this end, a representative of the Environment Department will attend and report at the Naas Municipal District meeting in February.

With regard to the former Cemex site, it is acknowledged that Councillor Martin raised a similar query recently. The members may recall that Kildare County Council granted planning permission to Applegreen to redevelop this site. This decision was subsequently appealed to An Bord Pleanála which ultimately resulted in the application being withdrawn. Applegreen has confirmed that they remain committed to redeveloping this site. The preparation of a revised Draft Local Area Plan and Strategic Transport Assessment for Naas will also have a bearing on this issue. The new Local Area Plan (LAP) will determine the zoning criteria for the site, potentially enabling its redevelopment for a range of uses. The members might consider this in their deliberations on the new Naas Local Area Plan. The site owner has dealt with instances of fly-tipping on this property and has introduced measures to make the site more secure. Pending the preparation of the revised Local Area Plan, the council will seek to meet with the site owner to discuss how best to resolve the issues affecting the property.

With regard to the former Donnelly Mirrors site, the council has formally written to the site owners seeking their plans for the site. Once the Draft LAP is published, all interested parties, including landowners will be invited to engage with the council on a future development strategy for the town including this site.

With regard to Sallins, The Sallins Local Area Plan references the former Odium's site stating that it *'represents a significant opportunity for the redevelopment of a strategic brownfield site in the town centre. The town centre zoning provides for a wide range of uses including employment, educational, community/recreation and residential uses. The location of the site (beside the Grand Canal) provides an opportunity to combine regeneration with the waterway'*.

The members may recall that an application was made for under the Regeneration and Development Fund by Kildare County Council in partnership with the local community, Waterways Ireland, Irish Rail and the relevant landowners. The proposed project was focussed on the town centre of Sallins and included the site in question and was proposed in the context of the planned completion of the Sallins By-Pass with the resultant reduction in through traffic providing an opportunity to make improvements to the town centre environment. Unfortunately, the application proved to be unsuccessful on this occasion. However, Kildare County Council remains supportive of the project and is keen to collaborate on progressing its objectives with the project partners. The former Odlum's site would be part of any town centre regeneration pitch given its pivotal location in the village centre, adjoining canal, historic connections etc. The council is also prepared to co-operate in the development of masterplans and appropriate planning applications in this regard.

The report was noted.

NS19/0120

Air Quality Monitoring in the Naas Municipal District

The members considered the following question in the name of Councillor Martin. Can the council confirm what are its plans with regard to monitoring air quality monitoring in the Naas Municipal District in 2020?

A report was received from the Water Services and Environment Department informing the members that the council, in collaboration with the EPA and the HSE, planned to install an air quality monitoring station in Naas during 2020. The monitoring unit would be capable of monitoring particulate matter on a real time basis. The EPA manages the National Ambient Air Quality Network and also measure the levels of a number of atmospheric pollutants. The real time data from the air quality monitoring unit, when installed, may be accessed at the following link, <http://www.epa.ie/air/quality/localairqualitydata/>.

The report was noted.

NS20/0120

Adjourned motions on the De Burgh Lands

On foot of the in-committee briefing received before the meeting from Ms Sonya Kavanagh, Director of Services, Economic, Community and Cultural Development in relation to the De Burgh Lands, Councillor Martin asked that item numbers 18 and 20 on the agenda be adjourned. All the members agreed.

NS21/0120

Pilot Trial for Weed Control

The members considered the following motion from Councillor Martin

That the council provide a written proposal for the pilot trial of alternatives to glyphosate for weed control in the Naas Municipal District for next month's scheduled municipal district meeting (February 2020). The proposal should include a timeline for the 2020 season, methods to be trialled (including selected areas for growing), communication strategy, community engagement plans, success indicators, full costing and plans for using and scaling the findings of the pilot.

The report was proposed by Councillor Martin, seconded by Councillor Sammon.

A report was received from the Senior Executive Parks Superintendent informing the members that work was ongoing on the development of pilot trials of alternatives to glyphosate for weed control in the Naas Municipal District. We would endeavour to have this to the members in February but it may be March before we have a proposal finalised.

Councillor Martin stated that he would await a more detailed response in due course noting that the matter was attracting concern from the public.

Councillor Brett informed the members that this matter had been raised in the last council term and was referred to the Environment SPC. He stated that a meeting took place with an expert on the matter and confirmed that there was a lot of work taking place in this council to do exactly what Councillor Martin was requesting.

Resolved on the proposal of Councillor Martin, seconded by Councillor Sammon that the report be noted.

NS22/0120

Tree Planting Schemes

The members considered the following question in the name of Councillor Martin. Can the council suggest some approaches for schemes to allow tree planting by residents associations, tidy town groups, community groups and appropriate groups on waste and small parcels of public land in this municipal district to support our climate change mitigation objectives?

A report was received from the Senior Executive Parks Superintendent informing the members that the provisions and approaches for a tree planting scheme are dependent on staff and financial resources to develop it as we already have a considerable list of commitments across the county. Any approaches that may be developed have to be considered in this context.

The report was noted.

The meeting concluded.