

KILDARE COUNTY COUNCIL

Minutes of Meeting of Council

**held at 2.00p.m on Monday 25 July 2016 at
Áras Chill Dara, Devoy Park, Naas, Co Kildare**

Members Present: Councillor I Keatley (Mayor), Councillors M Aspell, A Breslin, A Breen, F Brett, B Caldwell, D Callaghan, M Coleman, R Cronin, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, I Keatley, C Kelly, P Kennedy, A Larkin, M Lynch, P McEvoy, M McCabe, J McGinley, S Moore, T Murray, J Neville, N O'Cearuil, S O'Neill, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, and P Ward

Apologies: Councillors K Byrne, F McLoughlin-Healy , M Miley and B Young

Also Present: Mr P Carey, Chief Executive, Messrs T McDonnell, N Morrissey, J Boland (Directors of Services), Mr M Kenny and Ms C O'Grady (A/Directors of Services), Ms M Dalton (Meetings Administrator) and other officials.

01/0716

Adoption of minutes

The council considered the minutes of the 27 June 2016 together with the progress report.

Resolved on the proposal of Councillor Wall, seconded by Councillor Fitzpatrick, that the minutes of 27 June 2016 be adopted and the progress report noted.

Matters Arising

Councillor Lynch said that the minutes reflected the fact that the Management Report was for noting but his understanding was that there could be discussion if there was an issue that a member wished to raise?

Councillor Cussen agreed and referred to the fact that the Mayor said that the Progress Report

was also for noting and that if a member wished to raise an item, they should give prior notice so that the relevant senior officials would be in attendance. Councillor Cussen said that she tried to contact the Mayor earlier that day but he was not available.

The Mayor confirmed that the Management Report and the Progress Report are for noting. To ensure the efficient management of future meetings, he would like to have prior notice by e-mail if there is an issue under either report that a member wishes to raise.

Councillor Cusen stated that the item that she wished to raise was the swimming pool for North Kildare. Did Kildare County Council receive notification stating that it was invalid? She noted that a comprehensive report given at the June meeting stated that there was no such correspondence but she has now received information from Minister Ross stating that the application was invalid.

The Chief Executive confirmed that the Council meeting was on 27 June 2016. The only written confirmation to Kildare County Council is a letter dated 30 June 2016 from Junior Minister Patrick O'Donovan, Minister of State at the Department of Tourism and Sport stating that the application was invalid because the land was not in the ownership of Kildare County Council.

The Chief Executive confirmed that a number of options are being explored and he will keep the members informed of developments.

Councillor McGinley stated that the members received a very detailed report and he questioned the interpretation by the Department of the necessity for the title being actually transferred to Kildare County Council. It is Maynooth University land and similar joint ventures have worked successfully in Cork and Galway. He said this matter should be pursued.

02/0716

Bereavements

The Mayor and members expressed sympathy to the families of
Mrs Carmel Hannigan, mother of Josh Hannigan, Water Services
Mr Maurice McGarr (Jnr) son of Maurice McGarr, Water Services
Mr Tiernan McGowan, son of former Head of Finance Thomas Hunter McGowan
Mr Tony Osborne, Osborne's Solicitors, Naas

03/0716

Disposal of Land

Councillor O'Cearuil asked for the background to the sum of €5,000 in relation to the disposal of the piece of land at 1202 Greenfield, Maynooth.

Mr Mc Donnell, Director of Services confirmed that there had been an independent valuation.

0.006Ha. of land at 1202 Old Greenfield, Maynooth

A plot of land at 1202 Greenfield, Maynooth, Co.Kildare measuring 0.006ha to be transferred to Mr Niall Reade for the consideration of €5,000. In accordance with Section 183 of the Local Government Act 2001, statutory notice dated 12 July 2016 was circulated to the members.

Resolved On the proposal of Councillor Caldwell, seconded by Councillor Stafford, pursuant to Section 183 of the Local Government Act 2001, the Council consent to the disposal of the land in accordance with the statutory notice dated 12 July 2016.

0.1406 ha of land in Newbridge Industrial Estate for the Newbridge Link Road

A plot of land 0.1406ha as per drawing L/1273 at Newbridge Industrial Estate to be leased to Hardale Developments Ltd., 22/24 City Quay, Dublin 2 in consideration of an exchange of land – conditions to be attached to lease. In accordance with Section 183 of the Local Government Act 2001, statutory notice dated 12 July 2016 was circulated to the members.

Resolved On the proposal of Councillor Caldwell, seconded by Councillor Stafford, pursuant to Section 183 of the Local Government Act 2001, the Council consent to the lease of the land in accordance with the statutory notice dated 12 July 2016.

04/0716

Monthly Management Report

Councillor Pender asked the members to note in particular the increase in homeless presentations on page 4 of the report.

Councillor Cussen requested that page 30 noting the LPT for Celbridge Leixlip Municipal District be checked for accuracy.

Resolved that the monthly Management Report be noted

05/0716

Quarterly Budgetary Report

Ms Sweeney, A/Head of Finance circulated the quarterly reports.

Resolved on the proposal of Councillor McGinley, seconded by Councillor McEvoy, with all the members in agreement, the quarterly budgetary reports were noted

06/0716

Date for the Annual Budget Meeting

The Chief Executive said that the circular from the Department had not yet been issued but that the Corporate Policy Group had agreed that Monday 21 November 2016 is the date for the Annual Budget Meeting and he also confirmed that an in committee briefing will be held on Monday 14 November 2016.

Resolved That the Annual Budget meeting will take place on Monday 21 November 2016

07/0716

Mayor's Business

The Mayor commended the Tidy Towns Group in Straffan and noted that the judging had taken place for the Entente Florale competition. On behalf of Kildare County Council and in particular the Maynooth Municipal District members, he extended best wishes to Straffan and its' residents.

The Mayor reminded members that the Book of Condolences was still open and he extended deepest sympathy to the victims of this recent tragedy in Nice.

08/0716

Blueway Project

The following motion from the Athy Municipal District was considered

That this council contact Waterways Ireland with a view to progressing the Kildare section of the Blueway project in line with Emily Square and the Dominican site redevelopment in Athy.

The motion was proposed by Councillor Redmond and seconded by Councillor Wall.

Councillor Redmond said that in anticipation of the rejuvenation of Athy Town, it is of paramount importance that the members get a time frame from Waterways Ireland.

The members contributed to a discussion noting the importance of tourism for Athy, the links with Irelands Ancient East, the great opportunity for the county and the concern that distinguished celebrities are not fully supportive of the project.

The Chief Executive welcomed the support of the members and said that he expects that the three planning applications will be lodged by late August/early September. He said that this project has major potential and the funding will be sourced through the Failte Ireland Capital Grant scheme.

Resolved On the proposal of Councillor Redmond, seconded by Councillor Wall with all the members in agreement, the motion was carried.

09/0716

Freedom of Information Unit

The following motion in the name of Councillor O'Neill was considered

That the council identify the Freedom of Information Unit to the members and present a summary of the queries and work completed for the year 2015.

The motion was proposed by Councillor O'Neill and seconded by Councillor Cronin.

A comprehensive report from Ms Kavanagh, Director of Services stated that Freedom of Information requests are dealt with by each Directorate in relation to records held by them. The Freedom of Information Liaison Officer is Ms Cooke and decision makers have been appointed across all Directorates. The report gave a detailed breakdown of the statistics requested in the motion.

Councillor O'Neill welcomed the report and the recent changes to the website. She said that she would like to have the reasons for the 20 refusals but would discuss that at a later stage with the Liaison Officer.

Resolved That the report be noted.

10/0716

Planting of Native Trees and Shrubbery

The following motion in the name of Councillor Lynch was considered

That this council acknowledges that grass cutting is an expensive ongoing cost to the council and to reduce our long term expenditure and help Ireland offset our emissions from greenhouse gases, that at appropriate locations such as the middle strip of the Newbridge to Naas R445 road, we plant native trees or shrubbery as a more environmentally and economically effective solution to continuous grass cutting at such locations. We will seek to address this in the short term, including in next year's budget if required with planting schemes that may incur a short term expense but bring in long term savings both environmentally and economically. This will also help

with water drainage and minor flooding issues at various locations such as above, again reducing costs on ground level water issues.

Councillors are already aware of the health and safety issues and visibility issues of shrubbery planted at inappropriate road locations.

The motion was proposed by Councillor Lynch and seconded by Councillor O'Neill.

A report from Mr Morrissey, Director of Services stated that Kildare County Council is responsible for the maintenance of central medians/reservations on a number of existing roads, which includes the management of soft landscaping, drainage and safety-barrier features. The National Roads Authority 'Guide to Landscape Treatments for National Road Schemes in Ireland' advises that a central reservation can mitigate the dominance of the 'hard' road surface by promoting naturalness and can provide important visual separation between opposing traffic and resultant night-time glare or dazzle from head-lights. While the Council is in agreement with minimising maintenance costs (grass cutting) alternative treatment of central reservations must provide for the safety restriction of clear zones and forward sightlines, and as such, trees and shrubs should not be allowed to develop a strong main trunk.

Councillor Lynch thanked the Director for the report but said that this was a county wide issue and this road mentioned in the motion was just an example. Grass cutting is very expensive and there are areas where trees would be appropriate and the cost benefit to Kildare County Council should be examined. Councillor Lynch said that the persistent flooding issues could be resolved if additional resources are invested at the beginning.

Councillor McGinley said that he agreed with the motion and asked did the guidelines quoted in the report have regard to the grass and wildflower and the honeybee?

Mr Morrissey confirmed that while the motion has merit, Kildare County Council must have regard to the guidelines for road safety. There are opportunities in relation to new projects.

Councillor Lynch said that if the location is appropriate, it should be done once and done properly to avoid huge expenditure on maintenance.

Resolved That the report be noted.

11/0716

Planning Applications to An Bord Pleanala

The following motion in the name of Councillor McGinley was considered

That this council condemns the Governments proposal that planning applications for housing estates of more than 150 houses would go straight to An Bord Pleanala.

The motion was proposed by Councillor McGinley and seconded by Councillor Caldwell.

Councillor McGinley stated that planning delays at local authorities are not the cause of the housing crisis. He said that this is a retrograde step for local democracy and that the Local Area Plans and the County Development Plan will be ignored in the process. Councillor McGinley said that every housing estate in Maynooth will be affected by this decision and he urged the members to support the motion.

There was broad support for this motion and concern expressed for what is considered to be disenfranchising the people of this county. The existing process affords a good critical analysis and a professional approach having regard to the Local Area Plan and the County Development Plan in planning and developing sustainable communities in the county. The members were in agreement that there were several aspects of Minister Coveney's announcement that were positive and welcome and that it would be important to inform him of this but there was agreement that this particular section is not acceptable to the members. There was a lengthy discussion around the latest Housing Strategy and the point was made that this temporary measure was considered necessary because there is a history in the larger authorities of not achieving the targets set down in this area.

The A/Director of Services stated that he agrees with the existing process where a planning application is made to the local authority who is obliged to have regard to the Local Area Plan and the County Development Plan in reaching a decision. When the applicant or a third party is aggrieved, the appeals process to An Bord Pleanala is instigated. The members make the policy and the executive implement this policy.

The Mayor proposed that a letter be sent to the Department outlining the concerns expressed by the members.

Resolved On the proposal of Councillor McGinley, seconded by Councillor Caldwell, it was agreed to write to the Minister for Housing, Planning, Community and Local Government.

12/0716

Accident and Emergency Services in Naas and Portlaoise Hospitals

The following motions 13 and 14 on the agenda were considered together

Motion 13 in the names of Councillors Breslin, Breen and Wall

That this Council calls on the Minister for Health to secure all Accident and Emergency services in Naas and Portlaoise hospitals and that no downgrading of services is allowed at either hospital.

Motion 14 in the name of Councillor Redmond

Following a recent report that Naas and Portlaoise hospitals are to lose their Accident and Emergency Departments or be downgraded on foot of a Trauma Steering Group Report that a letter be written to the Minister requesting that he clarify this immediately and also halt any plans that the Government might have to close or downgrade Portlaoise and Naas Emergency Departments.

Motion 13 was proposed by Councillor Wall and seconded by Councillor Breen.

Motion 14 was proposed by Councillor Redmond and seconded by Councillor Cussen.

Councillor Wall said that this issue has been discussed at the Athy Municipal District meeting. There are reports in the media that there is likely to be a downgrading of services in Naas and Portlaoise and this is not acceptable to the people of Kildare. He cited a recent incident of a young person requiring stitches, contacting Primary Care but being required to attend Accident and Emergency. He stated that given that experience and the experience of hundreds of people with similar stories, he cannot stand over any reduction in the existing services being provided at both hospitals

Councillor Redmond stated that it is very important that these motions be taken seriously and this matter clarified. The Trauma Steering Group report is of significant importance and the members and the public need to be informed. Councillor Redmond asked the members to support both motions.

A lengthy debate followed with disagreement among the members on the unsubstantiated information about this report in the media, which is understood to have been compiled by clinical

specialists.

Councillors Wall and Redmond said that it was very important that a letter be issued on foot of the motions. The Mayor asked for the member's agreement to write to the Minister as outlined in both motions.

Resolved On the proposal of Councillor Wall, seconded by Councillor Redmond with the members in agreement, that a letter be issued to the Minister for Health.

13/0716

Brexit Referendum

The following motion in the name of Councillor Cronin was considered

That Kildare County Council, noting the outcome of the Brexit referendum where a majority of voters in the North of Ireland cited to remain within the European Union and aware that an EU border in Ireland would be disruptive and damaging to all sectors in society North and South calls on the Irish Government to work with the Northern Executive to ensure that the democratic wishes of the people of the North of Ireland to remain within the EU is respected and facilitated and ensure that an island-wide solution is found that ensures that the interests of communities, workers and employers North and South, as well as the achievements of the Peace Process are safeguarded.

The motion was proposed by Councillor Cronin and seconded by Councillor Cussen.

Councillor Cronin stated that on 23 June 2016 people of the North of Ireland, both sides of the community voted to remain in the EU. She said that an EU border would be incomprehensible. A lengthy debate on this motion followed.

The Mayor clarified that the motion required that a letter be issued to the Government and he asked the members to decide if they were agreeable to this.

Resolved On the proposal of Councillor Cronin seconded by Councillor Cussen, with the members in agreement, the motion was carried.

14/0716

Abolition of Water Charges

The following motion in the name of Councillor Cussen was considered

That members call on the Irish Government to abolish water charges and make use of the flexibility provisions contained within the EU Water Framework Directive to derogate from water

pricing and to state as such in their upcoming second River Basin management Plan (as the European Commission is on the record as saying that they can do so).

The motion was proposed by Councillor Cussen and seconded by Councillor Redmond
Councillor Cussen said that water charges are suspended for 9 months and she called on the members to support the motion

There was a lengthy debate around the issue of water charges with members stating that this issue was debated previously in the chamber and should not have been allowed on the agenda again.

The Mayor stated that it would be necessary to vote on the motion and in this regard, six members called for a roll call vote in accordance with standing orders.

Resolved The motion was defeated with 6 members voting in favour and 24 members voting against.

The following members voted in favour of the motion;

Councillors Cronin, Cussen, Lynch, O'Neill, Pender and Redmond.

The following members voted against the motion

Councillors Breen, Breslin, Brett, Callaghan, Coleman, Dalton, Doyle, Durkan, Hillis, Keatley, Kelly, Kennedy, Larkin, McCabe, McEvoy, Moore, Murray, Neville, O'Cearuil, Scully, Stafford, Wall, Ward, and Weld.

No member abstained. There were 10 members absent from the Chamber at the time of the roll call vote.

The meeting concluded.