



**Wicklow County Council  
Chomhairle Chontae Chill Mhantáin**

**ARKLOW MUNICIPAL DISTRICT**

**MINUTES OF MEETING HELD ON WEDNESDAY 11<sup>th</sup> JANUARY 2017**

**Present:** Cllr. Pat Kennedy, Cathaoirleach  
Cllr. Tommy Annesley  
Cllr. Sylvester Bourke  
Cllr. Pat Fitzgerald  
Cllr. Miriam Murphy  
Cllr. Mary McDonald

**Officials Present:** Mr. Michael Geaney, A/District Manager  
Ms. Linda McDonald, District Administrator  
Mr. Jack Kelly, District Engineer  
Ms. Rosemarie Dennison Administrative Officer Planning  
Ms. Sinead Boddy, Assistant Staff Officer.

**Item 1 - Vote of Sympathy:**

The Members expressed votes of sympathy to the families of the following, who recently passed away:

Agnes Murphy, Jimmy Myler, Marie O'Neill, Eileen Dempsey, Terry Horan, Bernie O'Neill, Michael O'Neill, Eddie Rowan, Billy Byrne, Patrick Kennedy, Derek McLoughlin, John Doyle, Brendan O'Connor, Mother of Sandra Hall.

A minutes silence was observed

Cllr Fitzgerald wished to commend the efforts of the emergency services in attending the fire in which Derek McLoughlin lost his life and wished to pass on thanks to the carers and neighbours who supported him. This is a traumatic time for his family who are glad of the support of Rev. Duddy of the Presbyterian Church and community.

**Item 2 – Confirmation of Minutes of the Arklow Municipal District Meeting, held on the 14<sup>th</sup> of December 2016:**

The Minutes of the Arklow Municipal District Meeting held on the 14<sup>th</sup> December 2016 were proposed by Cllr Annesley and seconded by Cllr Bourke.

**Item 3 – Matters Arising:**

Cllr Murphy asked what progress has been made in erecting signs at McGrath's Cross. Ms McDonald confirmed that Deirdre Forde Engineer is following up on this. Cllr Murphy requested that it be progressed urgently.

Ms McDonald confirmed that AMD have not yet received an update on funding for the Courthouse from Joe Lane DOS Housing/Corporate Estate. Lorraine Gallagher SEO Corporate Services has advised that there is no update on the refurbishment of the Courthouse from the Court Services.

Ms McDonald confirmed that a meeting with Roadstone was arranged for 12<sup>th</sup> January. Cllr Bourke asked if he could attend and Ms McDonald and Cllr Kennedy confirmed he could. Cllr Fitzgerald asked that the members be given an update after the meeting.

Ms McDonald said there is a meeting at 5.30pm today with the Seabreeze Festival Committee and Cllr Murphy asked if it was to be a general meeting and Ms McDonald replied that it was to be about retaining the Main Street Car Park for the carnival.

Ms McDonald confirmed that the works carried out by IW in December were emergency works and needed to be carried out at the time. Cllr Annesley said that's what they will say and he didn't believe that the works were urgent and that the need for money prompted the works. He also said that he had no complaint with the operators carrying out the works but the traders were very upset at the timing of the works. Cllr Fitzgerald wants to know why they were delayed when they knew the contracts had to be completed by December. Cllr Annesley said that the works outside his shop were not urgent and Cllr Murphy asked if the issue could be raised at the annual IW meeting for the schedule of works and that the November panic each year is not on. Better Co-ordination is required and we are too soft. Cllr Fitzgerald said the contact from IW was very effective and Cllr Murphy asked when the last meeting was and Cllr Kennedy confirmed it was in October. It was agreed to invite IW to a future AMD meeting.

**Item 4: To discuss the issue of Derelict Sites within the Arklow Municipal District, Ms Rosemarie Dennison, Administrative Officer, Planning Section.**

Cllr Kennedy welcomed Rosemarie Dennison to the meeting.

Ms Dennison gave a brief overview of the Derelict Sites Act. She stated that WCC can only operate within the confines of the law with the current legislation being, S.I. No.455/2000 - Derelict Sites Regulations, 2000. Ms Dennison read out section 3 of the Act which clearly defines what a derelict site is. Buildings may appear derelict but that may not qualify the building as derelict under the Act and there is a need to assess the area surrounding the building and not just the building itself. To qualify as derelict it would need to detract from the land/neighbourhood in general.

The process of qualifying a building as derelict would start with the issue of a formal notice stating to the owner that the building may be deemed derelict. This then may be entered into the register of derelict sites and the owner can submit details of works or future plans for the building. The register is maintained and where no progress is made a levy of 3% of the market value of the building may apply. The first port of call for WCC is to work with the owners and follow the provisions of the formal procedure.

A number of sites have been examined in the AMD area and a complaint form is available. Ms Dennison invited all members to complete complaint forms keeping in mind the criteria in qualifying a building derelict and she is available to discuss any issue they may have.

Ms Dennison stated that a notice of intention had issued to the owners of a property at the Brook.

Cllr Fitzgerald said that the building at the Brook has grass growing out of it and the roof is falling in and it could be a fire hazard. The properties along Main St. from Kitty's to the Marine Hotel have windows hanging off and he asked why aren't they considered derelict. He said further up the street there is the old Ormonde building. Kids as young as fourteen held a party in the buildings last weekend. Cllr Fitzgerald said he will complete a form as it is a danger to the public.

Ms Dennison clarified that anti-social behaviour does not impact in any way on Derelict Sites legislation and that there is separate legislation for dangerous buildings. Cllr Fitzgerald asked how do we approach it and Ms Dennison replied that she could only advise on derelict sites. Cllr Fitzgerald said that if a death occurs in these buildings we would be taken to task over it. Cllr Kennedy stated that Ms Dennison has given a clear explanation of derelict sites. Cllr Fitzgerald said he had already sent in a form for these buildings. Cllr Annesley showed Ms Dennison photos of buildings in the town and Ms Dennison said she could not assess them there. Cllr Annesley said he had to seal the doors of the Ormonde building following anti-social behaviour there last week.

Ms Dennison said that the owner of the building at the Brook had been notified but to be aware that an overload of applications would detract from any valid applications that may be submitted. There are limited staff resources to deal with these complaints.

Cllr Annesley said he was amazed that there are no qualified derelict sites in the AMD area. Ms Dennison stated again that the legal criteria must be met and cannot stress enough the difference between derelict sites and dangerous buildings and asked members to send in applications and they would be assessed in line with the legislation.

Cllr Annesley said that we are trying to create a good image for visitors to the town and Ms Dennison agreed that the buildings look dilapidated but when we look at what is submitted we are bound by the legislation.

Cllr Murphy said that the tourist board are striving to improve the image of the town but there is no image – voters ask what is happening with these sites and what can we say – they cannot be determined as derelict. So we can have absolutely no impact – court is the only answer as it seems the chamber is powerless. Nitpicking is no longer on and as Councillors we have to answer to the public. The Health and Safety issue is a huge responsibility for us and where do we go from here – we are the public representatives.

Cllr McDonald asked how Planning decide when to proceed and view a site and is there an appeal procedure. Ms Dennison said no. Cllr McDonald said that buildings

on both North and South Quays should have an impact on the area or is the criteria too tight. Ms Dennison said it must detract to a material degree and that is all I can work with and cases can be reviewed Cllr McDonald said the area on the Main St should be looked at again as it should be prioritised as it is on the tourist bus route. Ms Dennison said that all cases can be reviewed periodically.

Cllr Kennedy asked if the 3% levy is charged where would the funds go and Ms Dennison said they would go central funding rather than the MD. Cllr Kennedy asked were there many sites identified in AMD and Ms Dennison said there were 3 –

1. Building at the Brook Arklow Town
2. 70 Lr Main St, Arklow Town
3. The Old Rectory, Rathdrum

Cllr Kennedy mentioned that there would be the cost implications of having the properties valued and that the old Community College in Rathdrum should be on the register. Cllr Kennedy asked what level of works would be required to avoid being put on the register. Ms Dennison said boards needed to be renewed and painted to make it look attractive and the gardens need to be kept.

Cllr Fitzgerald asked in the case of the old Ormonde building, on behalf of the public who should they consult. Ms McDonald said that the Environment Section have tried to open discussions with Knight Frank the agents for the building. Cllr Fitzgerald suggested the HSA should be contacted as people are living in the building and it could easily become a volatile situation.

Cllr Annesley asked about a building belonging to WCC - the old depot – and Ms Dennison said to send in an application. Cllr Bourke asked if WCC were reluctant to use its powers and go through the courts and Ms Dennison said as they were bound by law and due process would follow accordingly. Cllr Bourke asked would it affect the market value or reduce the value of a property.

Cllr Murphy asked how a site is reviewed, was it every year and Ms Dennison replied that WCC do not have the resources at present to constantly review so the best option would be to communicate to the Planning Section if anyone felt a site needed reviewing. Cllr Murphy asked if WCC had a review procedure/process and Ms Dennison said that the resources are not there at the moment. Cllr Murphy said that there needs to be a review procedure put in place in house - this is a national problem – MD's and WCC should work together and approach the Department (LG) about this.

Ms Dennison said that she would take from the meeting that a review has been sought on the properties on Main St – Kitty's and Marine Hotel and is committed to review these. Ms Dennison gave a general list of properties on the register for the county –

- Greystones 1
- Bray 2
- Wicklow 2
- Rathdrum 1
- Dunlavin 1

Cllr Kennedy extended an open invitation to her return to future meetings.

**Item 5: To consider traffic calming measures for Woodlands Estate, Arklow.**

Carried forward from the AMD meeting in December - J Kelly has put forward the proposal to install a pair of traffic cushions at the location indicated on the map given to all present. The cost would be €4,500.00 and could be considered by the members for inclusion under the 2017 Discretionary Grant Fund.

Cllr Fitzgerald said that he was well aware of views in the estate and was not sure that it's fair that this goes through as all residents are not in agreement. Mr Kelly said the problem seems to be that there are a lot of ramps there already and it is up to the members to progress this. Cllr Fitzgerald said there is sufficient signage in place already and would the sightlines be adequate for ramps. Mr Kelly said that cushions and not ramps were proposed and it wouldn't always be the case that you would have unanimous agreement from all residents.

Cllr Fitzgerald asked that this be further discussed at the Discretionary Spending meeting and that the signage be checked and all agreed.

**Item 6: to discuss the Review of parking Bye-laws for County Wicklow in relation to Arklow Town.**

Ms McDonald said that comments can be submitted on what was circulated at the last meeting.

Cllr Fitzgerald said he had discussed this with a WCC official and he will not agree to charge residents of Main St. He thought residents would not be charged and this is still his view on the matter and will not support it. Cllr Fitzgerald asked how many on Main St have permits and Ms McDonald confirmed that in the region of 87 residential permits issued during 2016. Cllr Fitzgerald said that this would not be a huge cost to AMD and Ms McDonald said this cost would then be met from discretionary funding and this needed to be made clear. Cllr Fitzgerald said he would still maintain his stance on this.

Discussion continued on the following –

**1. Extension of the Pay and Display**

Cllr Annesley said that one of the things the town offers is free parking on weekends and if we start charging things will change for the traders. Cllr Bourke agreed with Cllr Annesley and said this will not encourage people into the town and suggested that 2 hrs free parking would work in Castlepark. Item 1 was rejected and the proposal for 2hrs free parking in Castlepark was proposed by Cllr Bourke and seconded by Cllr Annesley.

**2. Extension of all day parking to more areas.**

Cllr Annesley said this is a good idea as the riverbank is like a ghost town. All agreed that this should apply to the Riverwalk.

Cllr Fitzgerald that the cost of refurbishing the car park at Mill Rd would be in the region of €70,000.00 and Cllr Kennedy said that AMD would keep the fees. Cllr Bourke said it should be left alone and we should look at other options. Cllr Murphy says it gives a terrible image of the area and it should at least be upgraded and Mr Kelly said that if works aren't carried out that AMD could be liable for any claims for damages occurring in the area. Cllr Fitzgerald said that Bridgewater is getting the benefit and Cllr Annesley said that there would be no competition if the cost was the same as that of Bridgewater parking.

A proposal to upgrade the Mill Rd car park was proposed by Cllr Murphy and seconded by Cllr McDonald. Further discussion led to a vote on the proposal and as the vote was not unanimous it was agreed to leave the car park as it is for the moment.

### **3. To introduce pay parking on the Coolgreaney Road.**

Cllr Fitzgerald said that this would alleviate the problem of illegal parking but where would people park when dropping off school kids. Ms McDonald said it may not affect dropping and collecting kids to and from school. Cllr Murphy asked would it affect the teachers of the schools on Coolgreaney Rd. Cllr Fitzgerald said that people are parking there free and shopping on the Main St., Cllr Kennedy asked if there was a proposer for the changes and it was agreed not to make a decision until further information was obtained.

### **4. To cease the issuing of three free Parking Discs to rate payers.**

Cllr Annesley said that the free parking for rate payers was introduced in 2010 to improve the collection rate. He cannot understand why a proposal to change this was put forward as rates must be paid in full or an agreement in place before the permits are granted. Ms McDonald confirmed that there were 95 of these permits and possibly 45-50 businesses. Cllr Bourke suggested that 1 permit be granted as small businesses are still struggling to survive. Cllr Murphy said we should be supporting the SME's in the town in their efforts to stay open. All agreed that it should be limited to 2 permits per business with the 3<sup>rd</sup> and subsequent permits to be charged at €300.00. This was proposed by Cllr Bourke and seconded by Cllr Murphy.

### **5. To introduce fees for Parking Permits as follows:**

#### **Residential**

Cllr Annesley said he would not agree to these changes and AMD cannot be compared to other Municipal Districts and could not agree to a €50.00 charge. The market value of houses are so different in each area. Ms McDonald said that the

resident would still be getting a discount at the €50.00 rate. Members are opposed to these changes.

### **Rates**

Cllr Fitzgerald said that further details were required on the numbers getting the permits and who was getting them. The proposal to only charge for a 3<sup>rd</sup> and subsequent disc at €300.00 was proposed by Cllr Annesley and seconded by Cllr Murphy.

### **Visitors**

No members agreed with this amendment.

### **Voluntary/Emergency Response/Medical Sector.**

Members suggested that doctors could be treated as ratepayers rather than having free permits. Members did not agree to the charge as they felt it would be unfair.

### **Charges for the removal or temporary suspension of Pay and Display Parking spaces.**

All members agreed with this charge for €15,000.00 for the removal of a parking bay permanently.

In relation to the suspension of parking bays on a temporary basis the Members asked if this only applies on pay parking days and expressed their concern that the charges were very high and did not agree with the proposed charges.

### **Item 7: Update from the Housing Section on the number of housing applicants for the Arklow Municipal District.**

Cllr Murphy said she was delighted that this report issued at Municipal level and that the report highlights the need for housing in AMD.

Cllr Kennedy said he appreciated getting the feedback from WCC and it was great to have the breakdown. He also stated that he was extremely disappointed that the plan for 4 units in Aughrim would not be going ahead. The members were told that the funding was there and to lose 4 units from the District is disgraceful. People of Aughrim should know that I am extremely disappointed. What does efficiency works by IW mean – I want the units built in Aughrim for the Aughrim people but if they can't be built in Aughrim they should go to Rathdrum. Cllr McDonald agreed that anger should be directed at IW and not the CE and that the members shouldn't sit on their laurels and allow a third party to stall the project on this and an EGM should be called to discuss this. Cllr Kennedy said that he had raised this at every occasion to make sure that everything was in place to start in Aughrim.

Cllr Bourke suggested that we ask IW to expedite the works and Cllr McDonald agreed. Cllr Kennedy requested that a meeting be arranged with IW if water issues were holding up building in all the towns in the District. The progress on the old Library buildings should not be held up. The sudden impact of IW on Planning has

come as a surprise. Cllr Bourke said this is very serious for the residents of Aughrim and for anyone planning to build on rural private sites.

Cllr McDonald said that IW may stop the project at Emoclew also and that the delay has set a precedent. Cllr Kennedy agreed to raise this at the March meeting.

Cllr Murphy expressed her astonishment at the figures extracted on the number of people identified with a disability and asked if this has been raised at SPC level. Cllr Annesley said it was and Cllr Murphy asked that time be given to the need of the disabled on the housing list and especially those who might qualify for a DPG, they should be a priority. Cllr Murphy said she wants to hear this from all levels of the authority.

Cllr Kennedy asked if IW's timeframe for the Aughrim works was known and if they have no answer can people be allowed to work outside the CDP when building outside the village boundary and state this as an emergency situation. District Manager Michael Geaney said he was not in a position to give an answer on this planning issue and that Arklow was very much on the radar for IW.

#### **Item 8: Update on the Establishment of a Town Team for Arklow**

Ms McDonald distributed and update on the Town Team to all Members.

Cllr Murphy said she was disappointed that only 1 Councillor was invited on to the team but was happy with the individuals on the invitation list.

Cllr Kennedy said that he was on the team in his capacity as Cathaoirleach and that he would report to all members. He would step aside if anyone else wanted to fill the role. Cllr Murphy said he misunderstood her and that all Councillors should have the opportunity to be involved. Cllr Kennedy said that the team was structured in accordance with national guidelines. Cllr McDonald said that there was a very good spread for the town but that the members should be better represented. Cllr Bourke said it should be optional for all Councillors to attend. Cllr Kennedy said he had no problem with that but that he was bound to follow best practice on this.

Cllr Annesley noted that Stephen Smith had not been invited and Cllr Kennedy said this was an oversight. After further discussion it was agreed to invite Mr Smith.

Mr Kelly said that the idea of the Town Team meetings were for brainstorming rather than a forum to discuss outstanding issues.

#### **Item 9: Update on South Beach Remedial Works.**

Mr Kelly reported that there was a need to look at a long term solution to this issue and that the works carried out recently worked very well and it may not be as simple in the future. Cllr Fitzgerald said that works were also required on the North Beach and commended Rob Mulhall on the emergency works on the South Beach.

Cllr McDonald asked if consideration could be given to the provision of a Sand ladder on South Beach from the capital funding code. Ms McDonald advised that a breakdown of the remaining funding in this code would be prepared for discussion at the next meeting.

### **Item 10: Notices of Motions**

#### **A. In the name of Cllr McDonald**

“The Members of the Arklow Municipal District adopt the practice of donating any wood salvaged from tree fall over the winter months and/or the felling of any trees in the district, to local charity organisations, for example The St. Vincent de Paul Society.”

Mr Kelly recommended that this be referred to the Roads SPC and that often timber would belong to the landowner and that AMD staff would only give their time to remove the timber fall and clean the road. It would be a waste of staff resources.

Cllr McDonald asked what would happen if the felling was planned. Mr Kelly said that a future policy would need to be agreed at County level.

#### **B. In the name of Cllr Fitzgerald**

“That the road surface as one enters Woodview park in Avoca be overlaid as soon as funds are available.”

Mr Kelly said this would be discussed at the Discretionary Spending meeting.

### **Item 11: Correspondence:**

There was no correspondence.

### **Item 12: AOB:**

Cllr Kennedy said that the AGB Ballymoney Ladies Team are to be presented with an award for their achievements and that the presentation would take place after the meeting in February. Ms McDonald said that the Estate Grant monies awarded to the residents associations would also be presented on this night. Cllr Kennedy asked that an award be presented to Jimmy Olohan from Rathdrum for his contribution to the Rathdrum community over the years. This was proposed by Cllr Kennedy and seconded by Cllr Fitzgerald.

It was agreed as previously proposed to hold the March AMD meeting in Aughrim.

Cllr Fitzgerald raised the issue of ambulance cover not being available on Tuesdays following an incident where a person died metres away from the ambulance bay. This was very poor service given the size of the catchment area and the fact that the ambulance is on site but no drivers are available. Cllr Fitzgerald wished to commend those who helped in any way they could on that day. Cllr Kennedy said we have 4 representatives working with the HSE and could they be asked to raise this at their next meeting. Cllr Fitzgerald said yes certainly all 4 would represent AMD and that this was not directed at individual crew members but better co-ordination of the crews is required. Cllr McDonald said the reason cited was a ban on overtime. Cllr Kennedy said he would talk to Cllr Pat Doran. Cllr Murphy suggested a letter be written to Minister Simon Harris. Cllr Kennedy said that using the 4 representatives should be the first step.

Cllr Kennedy asked what the policy was for volunteers working in Graveyards it seems to be a grey area and needs to be clarified. Cllr Bourke said that Cllr Vincent

Blake raised this at the County meeting and that they may be seeking a quote from IPBMI for voluntary workers. Michael Geaney undertook to report back to the Members on this issue.

Cllr Murphy asked that the works for Wicklow Terrace be funded from the discretionary fund. Cllr Murphy proposed this and Cllr Fitzgerald seconded the proposal. Mr Kelly invited all members to make submission for the discretionary spending.

Cllr Murphy raised the outstanding issue of the landline in AMD offices going through to Co Buildings switch and can the request to have our own switch back be pushed on. DOS Michael Geaney said this had been raised recently with the bad weather and that if Co Buildings was closed no one could get through to AMD staff by landline.

DOS Micheal Geaney informed the members that owners of the site where the fire took place on South Quay have 28 days to clean the site and any queries in relation to debris found outside the site can be emailed to [debris@allenandsmyth.ie](mailto:debris@allenandsmyth.ie).

Michael Geaney advised that Irish Water has a contact for site investigations in place in Arklow and site rehabilitation works will take place once investigations are complete. Site investigations are to facilitate the renovations to water mains. Mr Kelly said these are only investigation works at this stage.

Cllr Bourke reported a complaint about overgrown hedging overhanging the footpath at Emoclew Rd and that the owner needs to be contacted. Cllr Fitzgerald said he would advise the landowner and give details to Mr. Kelly.

**Minutes confirmed at the Arklow Municipal District Council Meeting held on Wednesday the 08<sup>th</sup> February 2017 at 3.30pm.**

**Signed:** Cllr. Pat Kennedy

**Cllr. Pat Kennedy, Cathaoirleach of Arklow Municipal District.**

**Signed:** Linda McDonald

**Ms. Linda McDonald, Arklow Municipal District Administrator**