

**MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN SHORELINE
LEISURE CENTRE, GREYSTONES, CO. WICKLOW ON MONDAY 7TH SEPTEMBER, 2020
COMMENCING 2.00PM**

PRESENT:

COUNCILLOR P. KENNEDY, CATHAOIRLEACH, COUNCILLORS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, A. CRONIN, S. CULLEN, G. DUNNE, A. FERRIS, P. FITZGERALD, A. FLYNN KENNEDY, T. FORTUNE, P. GLENNON, M. KAVANAGH, P. LEONARD, G. MCMANUS, D. MITCHELL, J. MULLEN, J. NEARY, D. O'BRIEN, P. O'BRIEN, R. O'CONNOR, G. O'NEILL, L. SCOTT, J. SNELL, E. TIMMINS, G. WALSH AND I. WINTERS.

APOLOGIES:

COUNCILLORS M. CREAM, E. DOYLE AND M. MURPHY.

IN ATTENDANCE:

**MR. F. CURRAN, CHIEF EXECUTIVE
MS. L. GALLAGHER, A/DIRECTOR OF SERVICES/ MEETINGS ADMINISTRATOR
MR. B. GLEESON, HEAD OF FINANCE
MR. J. LANE, DIRECTOR OF SERVICES
MS. B. KILKENNY, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. C. LAVERY, DIRECTOR OF SERVICES
MR. L. FITZPATRICK, HEAD OF IS SUPPORT
MS. S. WALSH, SENIOR PLANNER
MR. C. PAGE, EXECUTIVE ENGINEER
MS. M. PORTER, DISTRICT ADMINISTRATOR, GREYSTONES
MS. G. LANG, ASSISTANT STAFF OFFICER
DEPUTY STEVEN MATTHEWS.**

VOTES OF CONGRATULATIONS: Elected Members passed a vote of congratulations to Cllr. Derek Mitchell on becoming a Grandad to twins.

VOTES OF SYMPATHY: Elected Members passed a vote of sympathy to the families of Mr. Walter Armstrong, Mrs. Veronica Carroll, Mr. Michael Burke, Mr. Connor Kavanagh, Ms. Maureen MacAllister and Mr. Klauer. It was also noted a Book of Condolence had been opened up for Mr. John Hume and would be forwarded to his family. A minutes silence was observed for the deceased.

On the proposal of the Cathaoirleach it was agreed to deal with items 1 – 7 followed by items 13 – 15.

ITEM NO. 1

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 15th June, 2020.

It was proposed by Cllr. S. Cullen seconded by Cllr. S. Bourke and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 15th June, 2020 as circulated.

ITEM NO. 2

To confirm and sign minutes of annual meeting of Wicklow County Council held on Monday 15th June, 2020.

It was proposed by Cllr. J. Snell, seconded by Cllr. I. Winters and agreed to confirm and sign minutes of annual meeting of Wicklow County Council held on Monday 15th June, 2020 as circulated.

ITEM NO. 3

To confirm and sign minutes of special meeting of Wicklow County Council held on Thursday 20th August, 2020.

It was proposed by Cllr. P. O'Brien, seconded by Cllr. J. Mullen and agreed to confirm and sign minutes of special meeting of Wicklow County Council held on Thursday 20th August, 2020 as circulated.

ITEM NO. 4

To consider the disposal of 0.43 acres or thereabouts of land situated in the townland of Rathdrum, Co. Wicklow, by way of a 3 year lease and the right to pass and repass thereto, to Mr. Noel Jacob and Ms. Helen Jacob, Jacob's Well, Rathdrum, Co. Wicklow.

Ms. Lorraine Gallagher, A/Director of Services advised that she had been speaking to Mr. Noel Jacob who had leased this parcel of land for the past three years and that as there were plans to develop this location, the lease would be for a lesser period. It was agreed to remove this item from the agenda and that a new disposal notice would be prepared for the consideration of the elected members at a future meeting.

ITEM NO. 5

To consider the disposal of 0.0060 hectares or thereabouts of land in the townland adjacent to 27 Connolly Square, Bray, Co. Wicklow to Mr. Ciaran Connaughton, 27 Connolly Square, Bray, Co. Wicklow.

It was proposed by Cllr. D. O'Brien, seconded by Cllr. G. McManus and agreed to dispose of 0.0060 hectares or thereabouts of land in the townland adjacent to 27 Connolly Square, Bray, Co. Wicklow to Mr. Ciaran Connaughton, 27 Connolly Square, Bray, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 6

To consider the disposal of all the property in the townland of Arklow, Co. Wicklow, the piece or plot of ground with dwelling house and premises thereon known as 114 Fernhill, Arklow, Co. Wicklow to Mr. Barry O'Neill, 114 Fernhill, Arklow, Co. Wicklow.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. T. Annesley and agreed to dispose of the all the property in the townland of Arklow, Co. Wicklow, the piece of plot of ground with dwelling house and premises thereon known as 114 Fernhill, Arklow, Co. Wicklow to Mr. Barry O'Neill, 114 Fernhill, Arklow, Co. Wicklow. Ms. Lorraine Gallagher, A/Director of Services advised that the disposal notice related to the fee simple.

ITEM NO. 7

To consider the disposal of approximately 239.50m2 of office space situated in the townland of Arklow, Co. Wicklow – Arklow Courthouse, 1st storey area, by way of a lease for a period of 4 years and 9 months, to Arklow Enterprise Centre (ABEC CLG).

Prior to considering this matter the Ms. L. Gallagher, Meetings Administrator advised that she was company secretary to ABEC and that the Chief Executive and Colm Lavery, Director of Services were directors of the company. Councillor Annesley is also a company director and did not participate in the disposal process. It was proposed by Cllr. Pat Fitzgerald, seconded by Cllr. P. Leonard and agreed to dispose of approximately 239.50m2 of office space situated in the townland of Arklow, Co. Wicklow – Arklow Courthouse, 1st storey area, by way of a lease for a period of 4 years and 9 months, to Arklow Enterprise Centre (ABEC CLG) as set out in statutory notice circulated.

ITEM NO. 13

To ratify the filling of the vacancy on the Wicklow County Council Joint Policing committee, by Cllr. Erika Doyle, Bray Municipal District, arising from the election of former Councillor Steven Matthews to Dail Eireann.

It was proposed by Cllr. M. Corrigan, seconded by Cllr. A. Ferris and agreed to ratify the filling of the vacancy on the Wicklow County Council Joint Policing committee, by Cllr. Erika Doyle, Bray Municipal District, arising from the election of former Councillor Steven Matthews to Dail Eireann.

ITEM NO. 14

To consider the nomination of a representative from each of the Municipal Districts to the Wicklow County Council Access and Inclusion Committee.

It was agreed that consideration of nominations of a representative from each of the Municipal Districts to the Wicklow County Council Access and Inclusion Committee should be referred to the Municipal Districts for agreement.

ITEM NO. 15

To amend paragraph 6 of standing orders: Place of meeting and address of principal offices: to allow for the Cathaoirleach in consultation with the Meetings Administrator to determine the place of meeting as a result of Covid 19 crisis and physical distancing requirements for a period of 6 months from the 7th September, 2020.

It was proposed by Cllr. J. Mullen, seconded by Cllr. S. Cullen and agreed by a margin of 29 votes for and 3 not present to amend paragraph 6 of standing orders: *Place and address of principal offices:* to allow for the Cathaoirleach in consultation with the Meetings Administrator to determine the place of meeting as a result of Covid 19 crisis and physical distancing requirements for a period of 6 months from the 7th September, 2020 viz:-

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| FOR 29 | CLLRS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, A. CRONIN, S. CULLEN, G. DUNNE, A. FERRIS, P. FITZGERALD, A. FLYNN KENNEDY, T. FORTUNE, P. GLENNON, M. KAVANAGH, P. KENNEDY, P. LEONARD, G. MCMANUS, D. MITCHELL, J. MULLEN, J. NEARY, D. O'BRIEN, P. O'BRIEN, R. O'CONNOR, G. O'NEILL, L. SCOTT, J. SNELL, E. TIMMINS, G. WALSH AND I. WINTERS. |
| NOT PRESENT 3 | CLLRS. M. CREAN, E. DOYLE AND M. MURPHY. |

ITEM NO. 8**To consider the Chief Executive's Monthly Management Report, August, 2020.**

Elected Members were circulated with the Chief Executive's Monthly Management Report, August 2020 on 2nd September, 2020. The Chief Executive referenced some highlights in the report including a number of housing schemes completed at Farrenkelly, Baltinglass and the Convent Lands, Wicklow Town. Significant funding was received from the NTA for cycling and walking routes which was welcomed.

In presenting the report the Chief Executive responded to the questions raised by the Elected members and updated them on :

- Additional outdoor staff being recruited to complete schemes
- €378,000 available funding for Climate and Change Adaptation
- Wicklow Goal received a Trip Adviser Award
- Funding approved under the rural regeneration and development fund for Newtownmountkennedy.
- Improved scoring for Wicklow County Council on the NOAC National Local Authority Satisfaction Survey referencing some statistics, for example over half those surveyed believed Wicklow County Council is doing a good job and that citizens feeling informed is higher than average score.
- The "Leg of Mutton" junction at the outskirts of Wicklow Town is currently being upgraded
- Update on works to Fitzwilliam Square, Wicklow Town.

The Chief Executive and relevant Directors of Services responded to the queries raised by elected members with regard to the Report.

ITEM NO. 9**To receive a presentation: Local Property Tax Funding – Mr. Brian Gleeson, Head of Finance.**

The Cathaoirleach welcomed Deputy Steven Matthews to the meeting who had taken the time out to attend today's particularly in relation to this item.

Mr. B. Gleeson, Head of Finance advised that he wished to give the elected members an overview of the property tax model, outline how it works and how the baseline figure impacts on current and future spending ahead of the scheduled LPT meeting at the end of the month. He presented to the elected members, by power point covering the following areas:-

Programme for Government

- Recommendations on LPT included in PFG
- All monies collected locally will be retained within the county.
- Annual national equalisation fund paid from the Exchequer.
- Inclusion of new homes built since 2013 which are currently exempt.
- Legislative changes and additional funding required to implement these proposals.
- No change to LPT model and allocations for 2021

LPT Baseline

- Baseline represents the minimum amount of funding provided to a LA from the LPT.
- Represents previous level of funding received by LA under the General Purpose Grant Scheme.

- Those LAs with surplus funding over and above their baseline are required to 'self fund' services in the Housing area thereby replacing Central Government Funding.
- The WCC Baseline figure of €8.5m is based on historical data and does not reflect current situation following major population changes etc.
- LG Funding Review undertaken in 2018 to identify key indicators for determining updated baseline levels for LAs.
- Formal paper submitted to DHPLG in 2018 supporting the case for increasing the baseline figure for Wicklow.
- Unless the Baseline is adjusted the net financial benefit to WCC arising from the elimination of equalisation is zero.
- The net financial benefit to WCC from the inclusion of 'new builds' will be minimal.

Programme for Government - LPT Impact

- Per CSO approx. 3,500 completed builds in Wicklow from 2013 to Qtr 2 2020
- Average LPT payment made in 2020 was €350
- Additional Income approx. €1.2m
- Proposed Equalisation amount for Wicklow in 2021 is €3.5m
- Gross financial impact of PFG proposals to WCC is €4.7m.
- Without revision to the Baseline the net financial benefit to WCC will be €0.24m.

LPT Funding Model Workings

Scenario 1 - Current Situation with 20% Equalisation

| | | |
|---|---------------------|-------------------|
| 100% of LPT Income Allocations for Wicklow | A | 17,298,256 |
| 20% to National Equalisation Fund | B | 3,459,651 |
| 80% of LPT to be retained locally | C | 13,838,605 |
| Baseline - Minimum level of funding | D | 8,547,247 |
| "Surplus" | E = (C-D) | 5,291,358 |
| LPT Surplus - Net Discretionary Income | F = 20% of A | 3,459,651 |
| Amount of surplus to self fund housing | G = E-F | 1,831,707 |
| Discretionary LPT Funding available for Budget 2021 | H = C-G | 12,006,898 |

Scenario 2 - Proposed Situation with 0% Equalisation

| | | |
|---|-------------------|-------------------|
| 100% of LPT Income Allocations for Wicklow | A | 17,298,256 |
| 0% to National Equalisation Fund | B | 0 |
| 100% of LPT to be retained locally | C | 17,298,256 |
| | - | - |
| Baseline - Minimum level of funding | D | 8,547,247 |
| "Surplus" | E= (C-D) | 8,751,009 |
| LPT Surplus - Net Discretionary Income | F=20% of A | 3,459,651 |
| Amount of surplus to self fund housing | G=E-F | 5,291,358 |
| Discretionary LPT Funding available for Budget 2021 | H =C-G | 12,006,898 |

Scenario 3 - 0% Equalisation plus additional new properties included (est. of extra 1.2m)

| | | |
|---|-------------------|-------------------|
| 100% of LPT Income Allocations for Wicklow | A | 18,498,256 |
| 0% to National Equalisation Fund | B | 0 |
| 100% of LPT to be retained locally | C | 18,498,256 |
| | | |
| Baseline - Minimum level of funding | D | 8,547,247 |
| "Surplus" | E= (C-D) | 9,951,009 |
| LPT Surplus - Net Discretionary Income | F=20% of A | 3,699,651 |
| Amount of surplus to self fund housing | G=E-F | 6,251,358 |
| Discretionary LPT Funding available for Budget 2021 | H =C-G | 12,246,898 |

LPT Funding Model- Future Actions

- WCC has written to DHPLG highlighting this anomaly and requesting the baseline be revised.
- The CCMA Finance Committee has included this issue in its official submission to LGMA on the financial impact of the PFG.
- Political support is required to ensure WCC baseline is adjusted to an appropriate and fair level.
- 2021 LPT allocation remains unchanged.

At the conclusion of the discussion a broad discussion took place where elected members voiced their views on the LPT funding model relative to County Wicklow.

ITEM NO. 10

To set a date for a Council meeting before the end of September, 2020 to consider: The setting of the Local Adjustment Factor.

It was proposed by Cllr. J. Snell, seconded by Cllr. I. Winters and agreed to set the date for a Council meeting to consider the setting of the Local Adjustment Factor for Monday 21st September, 2020 at 2.00p.m.

ITEM NO. 11

To consider the First Chief Executive's Report prepared under Section 11 (4) of the Planning and Development Act, 2000 (as amended) regarding the review of the County Development Plan and to consider any directions regarding the preparation of the Draft County Development Plan 2021-2027 proposed by the members under Section 11 (4) (d) of the Planning and Development Act, 2000.

Elected Members were circulated with the document 'Draft Wicklow County Development Plan 2021 to 2027) dated 7th September, 2020 *'To consider the first Chief Executive's Report (previously issued) prepared under Section 11(4) of the Planning and Development Act, 2000 (as amended) regarding the review of the County Development Plan and to consider any directions regarding the preparation of the Draft County Development Plan 2021 – 2027 proposed by the members under Section 11 (4) (d) of the Planning and Development Act, 2000 (as amended)'*

Ms. S. Walsh, Senior Planner, gave a presentation to the Elected Members under the following headings and responded to queries raised by the elected members.

Wicklow County Development Plan 2021 – 2027 PLAN PROCESS

156 submissions received

Climate change, transport and place-making are some key issues that arose.

1st Chief Executive's (CE) Report was issued to the Members on 12 June 2020.

- Proposed Core Strategy
- 128 Recommendations on Policy & Objectives

20+ workshops were held

Wicklow County Development Plan 2021 – 2027 POLICY & OBJECTIVES RECOMMENDATIONS

All of the objectives in the current County Development Plan will be reviewed and amended / updated, where necessary, in accordance with the new National Planning Framework, Regional Spatial and Economic Strategy and Ministerial guidelines.

The CE recommends new policy / objectives under the following topics:

- Overall Strategy
- Towns, Villages & Retail
- Rural Development
- Climate Change
- Housing
- Economic Development & Employment
- Tourism & Recreation
- Infrastructure
- Heritage
- Community & Open Space
- Energy & Communications
- Development & Design Standards
- Auditing & Implementation

- **Wicklow County Development Plan 2021 – 2027 PROPOSED CORE STRATEGY**
- **Wicklow County Development Plan 2021 – 2027 ASSET BASED ASSESSMENT**
- **Wicklow County Development Plan 2021 – 2027 PROPOSED DIRECTIONS PLANNING & DEVELOPMENT ACT 2000 (as amended)**

11 (4) (d) Following the consideration of the First Chief Executive's Report, the members of the planning authority, may issue directions to the Chief Executive regarding the preparation of the

draft development plan, and any such directions shall be strategic in nature, consistent with the draft core strategy, and shall take account of the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government, and the Chief Executive shall comply with any such directions.

11 (4) (f) In issuing directions, the members shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates.

Wicklow County Development Plan 2021 – 2027 NEXT PLAN STAGE

- Sept 2020 - The Chief Executive prepares a proposed draft County Development Plan.
- Q4 2020 – Proposed draft County Development Plan issued to Members for their consideration (8 weeks – Councillor workshops).
- Q1 2021 – Draft Development Plan adopted, goes out for public consultation (Q2 2021 - 10 weeks – public open days throughout county).
- Q3 2021 – 2nd Chief Executive’s Report prepared on submissions.
- Q4 2021 - Consideration of draft Plan and 2nd Chief Executive Report.
- Q1 2022 – Proposed amendments stage and adoption of new Plan.

The Cathaoirleach advised that he proposed considering each of the Directions proposed individually.

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| Direction No. | 1 |
| Proposed Seconded | Cllr’s Annesley, Fitzgerald, Kennedy, Mullen, Glennon, Walsh, Dunne |

Chapter / Topic: Proposed Core Strategy – Section 2.4

Proposed direction:

- (a) To direct the Chief Executive to amend the text in **Section 2.4** of the proposed Core Strategy as follows:

*This development plan is for the period 2021-2027, and in order to ensure that it provides a robust long-term framework, the population and housing targets up to 2031 for each settlement / tier in the settlement hierarchy are herewith identified. Local plans for each settlement⁶ as well as the application of the objectives of this plan, will provide for phasing to ensure that the 2026 target as set out in Section 2.0 above is **achieved but not breached**.*

Accordingly, the development plan must play a greater role in active land management, monitoring development patterns, focusing on real as opposed to theoretical delivery targets, moving away from fixed allocations of development land while at the same time work to secure county, regional and national policy.

In allocating growth targets for each settlement / tier, cognisance must be taken of the housing units completed or under construction since the 2016 Census. As of 31 March 2020, this is estimated as 5,000 units. Therefore, the housing allocations set out in the table to follow provide for additional growth in housing units to 2031 of c. 10,750 units⁷.

- (b) To direct the Chief Executive to include a new policy as follows in the draft County Development Plan:

‘To support the actual delivery of housing units through active land management, realistic prioritisation, proper continuous monitoring, effective coordination and include sites with long term development potential at priority locations with a better prospect for delivery housing units in the short term across the county’.

Reason: All previous county and local plans have focused too much on population numbers and land zonings as opposed to delivery. At a time of a severe housing crisis in the country and county the focus must now be on delivery.

Much closer attention will need to be paid to actual delivery, taking the steps that may be necessary to implement strategic planning aims, housing delivery in the immediate term and above all, avoiding the hoarding of land and/or planning permissions.

Effective ways to tackle any tendencies towards land and/or planning permission hoarding or excessively slow delivery include measures such as the Vacant Site Levy, variations to the County Development Plan, and the release of alternate lands where permitted development, without any wider delivery constraints, is not being brought forward.

Initial CE Response The development plan itself cannot 'play a role' in active land management as it is policy document.

'Active Land Management' would be an action / activity to be carried out by Council officials and therefore would be an 'operational' matter.

In addition, the OPR is commencing the establishment of a process of data collection and management and they will be using same to monitor Local Authorities' compliance with the NPF / Regional Spatial and Economic Strategy etc

The County Development Plan has to set targets which then have to be implemented through the development management process and where a target is reached permission will have to be refused (see recent decision from ABP re Blessington – Kildare development that breached the unit number target in the Kildare County Development Plan). Therefore the targets will be 'fixed' in the County Development Plan and can't be 'fluid'.

The members' attention is drawn to the recent High Court judgement in McCarthy Meats Ltd and the Minister for Housing Planning and Local Government (2016 830 JR):

192. It is uncontroversial to say that "objectives" of the Core Strategy and settlement hierarchy, insofar as a County Development Plan is concerned, include allocating future population growth between various settlement types, having regard to criteria such as settlement size, available and potential infrastructure and the capacity of the settlement to contribute towards the objectives of the Core Strategy. What cannot be in doubt is that the targets in the County Development Plan including, in particular, those set out in Table 3.3 of the KCDP 2011-17 are specific. They admit of only one interpretation. They are precise figures, representing very deliberate and particular allocations made by the local authority. The specific and objective housing unit target for Sallins is 527 and that target is not open to subjective reinterpretation. It is an objective fact.

Elected members were advised of the need to be consistent with the core strategy, policies and objectives and the requirement to be in compliance.

Cllr. E. Timmins advised that members of his family own land in the Baltinglass area and having regard to ethics requirement he said he would absent himself from the discussion. Cllr. E. Timmins left the meeting.

Following a lengthy discussion on the matter, Direction number 1: Proposed by Cllr. P. Fitzgerald, seconded by Cllr. J. Mullen and following a roll call was agreed by a margin of 15 votes for, 2 against, 8 not present and 7 abstaining viz

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| FOR (15) | CLLRS. T. ANNESLLEY, J. BEHAN, V. BLAKE, M. CORRIGAN, G. DUNNE, P. FITZGERALD, A. FLYNN KENNEDY, P. GLENNON, P. KENNEDY, G. MCMANUS, J. MULLEN, P. O'BRIEN, G. O'NEILL, J. SNELL AND G. WALSH. |
| AGAINST (2) | CLLRS. D. MITCHELL AND J. NEARY |
| NOT PRESENT (8) | CLLR. M. CREAN, A. CRONIN, E. DOYLE, A. FERRIS, M. MURPHY, D. O'BRIEN, E. TIMMINS AND I. WINTERS. |
| ABSTAINING (7) | CLLRS. S. BOURKE, S. CULLEN, T. FORTUNE, M. KAVANAGH, P. LEONARD, R. O'CONNOR AND L. SCOTT. |

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| Direction No. | 2 |
| Proposed | Cllr. John Mullen |
| Seconded | Cllr. Gail Dunne |

Chapter / Topic: Proposed Core Strategy - Housing Unit Growth Projections

Proposed direction: To direct the Chief Executive to ensure the greatest degree of flexibility within the County of Wicklow with regard to housing development whereby all areas of Wicklow have equity in the provision of housing. The development of waste water and water infrastructure must not exclude our smaller towns and villages which must also be allowed to grow some housing.

Reason: The current housing growth projections are heavily centred around North Wicklow and larger Towns. The figures vary hugely from Municipal District to Municipal District. In particular Baltinglass MD has the lowest housing growth of all MD which is reflective of the lack of urgency with regard to the development of our rural villages and towns. This hierarchical exercise in social engineering emanating from the National Planning Framework is corrosive of the principle of equity and balance in the development of rural Wicklow,

Initial CE Response: No specific direction is proposed e.g. a specific change in population targets for a settlement or group of settlements.

With respect to the water / wastewater issues, the lack of services in some locations will affect development potential. However in drawing up the targets proposed in the CE report, water services have not been utilised as a 'limiting' factor.

For example, Ashford with no water / wastewater issues at the moment is proposed for 29% growth, the same as Aughrim (which has no capacity in WW) and Dunlavin (issues with water) etc

The key factors in setting the target growth rate for each town are:

- (a) The 30% 'cap' set out in the NPF
- (b) The place of the town in the overall hierarchy, and
- (c) The overall housing growth target for the County which has to be distributed.

Cllr. J. Mullen advised that Direction number 2 was being withdrawn.

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| Direction No. | 3 |
| Proposed Seconded | Cllr's Annesley, Fitzgerald, Kennedy |

Chapter / Topic: Proposed Core Strategy – town designations

Proposed direction: To direct the Chief Executive to identify Arklow as 'key town' in the County settlement hierarchy (Table 2.4).

Reason:

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| Population | <i>Arklow has a population of over 13,000 similar to the combined population of Wicklow/Rathnew</i> |
| Employment | <i>Has the highest level of local jobs as a % of its population 3,040 or 23% Has the highest level of working persons within its residential settlement Arklow 42%, Wicklow-Rathnew 35%, Bray 30%, Greystones-Delgany 12%</i> |
| Connectivity | <i>Served by M/N11 Rail Corridor same as Wicklow Bus Up to 34 daily / arrivals from Dublin</i> |
| Infrastructure | <i>Water Supply spare capacity available Waste Water currently at tender stage to be delivered by 2024 to serve population of 32,000</i> |
| National Policy Objective County Policy Objective | <i>"ensure that in settlements identified for significant population growth, it is aligned with the provision of employment and/or infrastructure and supporting facilities, to ensure a good quality of life for both existing and future residents." Arklow is in the strongest place to provide employment opportunities of all the Towns in Wicklow including Tier 1 and 2 SSEI Airtricity Echelon 2 Data Centres LMH engineering further expansion Primary Care Unit</i> |
| Regeneration | <i>Arklow has some key regeneration sites currently being develop Castle Park site Primary Care Centre Wallbord Site location for new Waste water treatment Plant Other brown field sites available to achieve NPO 9 Alps Site Main Street Arklow Harbour</i> |

Initial CE Response The 'key town' designation is one conferred by the Regional Spatial and Economic Strategy **not** the County Development Plan.

The Regional Spatial and Economic Strategy has not identified Arklow as a 'key town' and therefore to do so would render the County Development Plan inconsistent with Regional Spatial and Economic Strategy.

As set out in the proposed Core Strategy, Arklow is afforded the next highest possible 'rank' in the hierarchy given its assets i.e. a 'self sustaining town' (full assessment can be found in the 'Asset Based Assessment' which formed part of the CE report).

The members' attention is also drawn to the views of the public with respect to the assets of the town and its capacity for growth, which flagged the following perceived deficiencies:

- *Flood Risk*
- *River pollution*
- *Inadequate public transport services*
- *Town centre traffic congestion*
- *Town centre vacancy and dereliction; urban sprawl*
- *High unemployment*
- *Lack of community buildings / facilities*
- *Shortfall in active open space / pitches for existing clubs.*

The new plan will of course identify Arklow as a top priority, secondary only to Bray and Wicklow – Rathnew in terms of growth and investment.

Elected member were advised that it was not within their powers to identify Arklow as 'key town' in the County settlement hierarchy that this was one to be conferred by the Regional Spatial and Economic Strategy **not** the County Development Plan.

Direction number 3 proposed by Cllr. T. Annesley, seconded by Cllr. P. Fitzgerald and following a roll call was passed by a margin of 17 votes for, 1 against, 7 not present and 7 abstaining, viz:-

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|------------------------|---|
| FOR (17) | CLLRs. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, A. CRONIN, S. CULLEN, G. DUNNE, P. FITZGERALD, T. FORTUNE, P. GLENNON, M. KAVANAGH, P. KENNEDY, P. LEONARD, J. MULLEN, P. O'BRIEN, G. O'NEILL AND G. WALSH. |
| AGAINST (1) | CLLR. J. SNELL. |
| NOT PRESENT (7) | CLLRs. M. CREAN, E. DOYLE, A. FERRIS, M. MURPHY, D. O'BRIEN, E. TIMMINS AND I. WINTERS. |
| ABSTAINING (7) | CLLRs. M. CORRIGAN, A. FLYNN KENNEDY, G. MCMANUS, D. MITCHELL, J. NEARY, R. O'CONNOR AND L. SCOTT. |

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| Direction No. | 4 |
| Proposed Seconded | Cllr's Annesley, Fitzgerald, Kennedy |

Chapter / Topic: Proposed Core Strategy - Rathdrum

Proposed direction: To direct the CE to prepare a draft Core Strategy that includes an increase the housing target for Rathdrum set out in Table 2.5, from 100 units to 165 units.

Reason:

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| Employment | <i>Employment in Rathdrum will increase over the coming years due to the following: Zoetis has taken over the chemical factory. Rathdrum is currently constructing a new Primary Care Centre. Planning permission has just granted for a 126 bed nursing</i> |
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| | <p>home.</p> <p>St. Colman's Hospital currently has a planning application before Wicklow County Council to increase their bed capacity. There are 23 acres of zoned industrial land ready for development.</p> <p>Avondale Forest Park is about to undergo an €8 million redevelopment for tourism purposes.</p> |
| Connectivity | <p>Close by the M/N11</p> <p>Rail Corridor same as Wicklow/Arklow</p> <p>Daily bus service to/from Dublin</p> |
| Education | <p>Currently two crèches with a further two planned</p> <p>Three Primary Schools</p> <p>One Secondary School</p> |

Initial CE Response The proposal is not supported for the following reasons:

1. The growth rate in Rathdrum (completed and commenced units) since 2016 is 29%. This is within the limits allowed by NPO9 of the National Planning Framework. Allowing for an additional 100 units would increase this growth rate to 45% which would breach this national policy objective, but is nonetheless recommended by the CE to allow for future infill growth in Rathdrum town centre. However, to further increase the target to 165 units would increase the growth rate to 54%. This is far in excess of the limitations set out in the NPO9.
2. To increase growth targeted for Rathdrum would require a reduction in growth elsewhere - this proposal does not specify where this reduction is to be made.
3. There are serious limitations in available water supply in Rathdrum that are unlikely to be made good within the lifetime of the plan

Elected members were advised that there will be an opportunity to make an amendment to the Draft Plan at a further date. At the suggestion of the Cathaoirleach the proposer Cllr. T. Annesley indicated that he was agreeable to revisit the proposal at a later stage.

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| Direction No. | 5 |
| Proposed | Cllr. Shay Cullen |
| Seconded | |

Chapter / Topic: Core Strategy – Ashford:

Proposed direction: To direct the CE to prepare a draft Core Strategy that provides for a housing target in Table 2.5 of 100 units for Ashford

Reason: To take account of Ashford's location and the potential growth of Ashford studios into the future.

Initial CE Response

The proposal is not supported for the following reasons:

1. Table 2.5 of the proposed Core Strategy (as set out in the CE Report) does not propose individual housing unit allocation for each settlement in Level 5 – as provided for in the Planning Act, for settlements under 1,500 population, targets should be aggregated. For this Direction therefore to be

applicable, it would need to be accompanied by a Direction to disaggregate the housing targets for each settlement in Level 5.

2. The growth rate in Ashford (completed and commenced units) since 2016 is 37%. This is above the limits allowed by NPO9 of the National Planning Framework. Allowing for some additional units for town centre infill into the future (e.g. 50 units) would increase this growth rate to 47% which would further breach this national policy objective, but is nonetheless some growth is recommended by the CE to allow for 'good infill' in Ashford centre.
However, to allocate a growth target of 100 units would provide for a growth rate of 57%. This is far in excess of the limitations set out in the NPO9.
3. To increase the growth targeted for Ashford may require a specific reduction in growth elsewhere - this proposal does not specify where this reduction is to be made.

Proposer noted that similar to the Rathdrum the proposals for Ashford can be looked at over a period of time.

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| Direction No. | 6 |
| Proposed | Cllr. Shay Cullen |
| Seconded | Cllr. Gerry O Neill |

Chapter / Topic: Core Strategy - Level 7, 8 & 9 Settlements

Proposed direction:

To direct the CE to undertake a review of the policies and objectives for, and boundaries of, all settlements in Levels 7, 8 and 9.

Reason: To facilitate village development at the most appropriate locations, to support possible development of serviced sites by the Local Authority, and to ensure that only suitable land is identified for development.

Initial CE Response This will be done anyway as part of the normal review and update of all existing plan provisions – therefore does not need to form a formal direction.

Proposer noted that the Chief Executive is willing to review the strategy for level 7, 8 and 9.

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| Direction No. | 7 |
| Proposed Seconded | Cllr's Annesley, Fitzgerald, Kennedy, Mullen, Glennon, Walsh, Dunne |

Chapter / Topic: Housing (Serviced Sites)

Proposed direction: To direct the Chief Executive to include a new policy as follows in the draft County Development Plan:

In accordance with NPO18b and to support "new homes in small towns and villages", that the development plan identifies suitable serviced sites in each of our small towns and villages, to attract people to build their own homes using the current infrastructure data that is already available to the council.

Reason: In support of achieving NPO 18b 'Develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.'

Initial CE Response

The current County Development Plan supports the development of serviced sites:

HD18 The development of 'serviced sites', where site purchasers have the option of designing their own home, shall be particularly encouraged on zoned / designated housing land.

The CE in his report has not signalled any intention to omit said support in the new plan and as with all existing policies and objectives, this will be reviewed and updated as a matter of course, in particular to ensure consistency with the NPF and RSES as appropriate, such as the following Regional Spatial and Economic Strategy objectives:

RPO 4.78: Development plans should support the development of a 'New Homes in Small Towns and Villages' initiative which would augment the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create 'build your own home' opportunities within the existing footprint of rural settlements to provide new homes to meet housing demand.

RPO 6.6: Support local authorities to explore mechanisms for the emergence of a diversified sectoral mix in rural areas. This includes the identification of appropriate locations to drive regeneration of these rural towns and villages for example by the provision of serviced sites for housing and co-working/incubator space near Institutes of Technology to facilitate technological spillovers through greater connections and linkages.

RPO 10.14: EMRA supports the servicing of rural villages (serviced sites) to provide an alternative to one-off housing in the countryside, in line with RPO 4.78.

Therefore this Direction is not necessary. Noted by the proposers

Question submitted by Cllr. J. Behan: Have the amendments to the planning permission for the Florentine Centre, Bray, which were agreed by Wicklow County Council, been approved by An Bord Pleanála ? If not, why not?

Response: *Compliance with planning permission is a matter for the Developer as provided for in the Developers Agreement. However the Council has issued a Warning Letter in relation to alleged amendments and that process is underway, therefore nothing more can be commented on at this stage. Monthly reports are given at the Bray MD meetings in respect of this development.*

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| Direction No. | 8 |
| Proposed | Cllr. John Mullen |
| Seconded | Cllr. Gail Dunne |

Chapter / Topic: Housing (Rural Housing)

Proposed direction: To direct the Chief Executive to ensure that local people from rural Wicklow be enabled and assisted to live in their rural locality through planning regulations to allow flexibility in the development of rural homes via the refurbishment of existing structures in the local area.

Reason: Rural Wicklow remains one of the most difficult places in Ireland for local people to build a family home. This is resulting in displacement of local people from rural areas in Wicklow where families who have resided for generations are now being forced to leave further increasing rural isolation and the social devastation of rural Wicklow.

Initial CE Response It is not within the remit of the County Development Plan to amend planning regulations, which are statutory instruments made by a Minister.

With regard to the refurbishment of rural structures specifically, this objective is already included in the current County Development Plan, the CE has not signalled any proposal to remove same and therefore this Direction is not necessary:

Current Objective

HD25 *The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:*

- *the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;*
- *buildings must be of local, visual, architectural or historical interest;*
- *buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained. (A structural survey by a qualified engineer will be required with any planning application); and*
- *works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications.*

Cllr. Mullen indicated that he accepted that the objective is included in the current plan and no proposals to remove same. Direction number 8 withdrawn.

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| Direction No. | 9 |
| Proposed | Cllr. John Mullen |
| Seconded | Cllr. Gail Dunne |

Chapter / Topic: Housing (Supported/Independent Living for Older People)

Proposed direction: To direct the Chief Executive to ensure that there is a planning strategy for all our rural town and village centres in Wicklow where the development of independent/supported living for older people can be facilitated to allow our older community to live near facilities such as GP, Groceries and Pharmacies.

Reason: Even before the Covid 19 pandemic it is becoming obvious that many older people in Wicklow are living in isolated rural areas and suffering from extreme social exclusion. There is a lack of supported/independent living housing in many of our towns and villages. The development of this social housing infrastructure would allow older members of the community live with dignity and safety in the areas where they are from.

Initial CE Response The current County Development Plan supports and facilitates the development of housing of a range of types / formats, in a range of locations, including rural towns and villages, subject of course to certain criteria being met. There is no presumption in favour or against any format of suitable housing development at the appropriate location. If an individual or a private developer comes forward with a proposal for independent / supported units that can already be considered favourably under current plan provision e.g. permitted development in Donard.

In addition, the current County Development Plan includes the following objectives:

CD20 *'Retirement villages', made up of a number of independent housing units, with limited / no on site care facilities will be required to locate on residentially zoned land in settlements (or where no local area plan exists, within the defined boundary of the settlement).*

CD21 *Clinically managed / supervised dwelling units, such as 'step down' (i.e. post acute care) accommodation or semi-independent housing provided as part of a medical facility, nursing home or other care related facility, will be considered strictly only on the following basis:*

- *The units are associated with an already developed and established medical facility, nursing home or other care related facility; the units are held in single ownership with the overall medical / nursing home / care facility; no provision is made for future sale or subdivision; and a strict management agreement is put into place limiting the use of such structures to those deemed in need of medical supervision or care;*
- *The number of such units on any such site shall be limited to 10% of the total number of hospital/ nursing/care home bedrooms unless a strong case, supported by evidence, can be made for additional units;*
- *Such units shall be modest in scale and limited to single bedroom units only and independent facilities such as car parking and gardens shall not be provided to each unit (in order to ensure such units are not rendered suitable for standalone use as private dwellings).*

The CE has not signalled any proposal to remove same and therefore this Direction is not necessary.

Cllr Mullen indicated that he accepted that the objective is included in the current plan and no proposals to remove same. Direction number 9 withdrawn.

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| Direction No. | 10 |
| Proposed | Cllr. Tommy Annesley |
| Seconded | Cllr. Pat Fitzgerald |

Chapter / Topic: Employment Strategy

Proposed direction: To amend the CE recommendation no. 52

From:

Include policy to direct significant employment growth into the key towns, Bray and Wicklow-Rathnew, and onto the IDA lands in Greystones, which is identified as a strategic development site for employment to strengthen the economic base of north Wicklow.

To:

*Include policy to direct significant employment growth into the key towns, Bray, ~~and~~ Wicklow-Rathnew **and Arklow**, and onto the IDA lands in Greystones **and Arklow**, which ~~is~~ **are** identified as ~~a~~-strategic development sites for employment to strengthen the economic base of north **and south** Wicklow.*

Reason

Balanced opportunity in County

Initial CE Response The 'key town' and 'strategic site' designations are both conferred by the Regional Spatial and Economic Strategy **not** the County Development Plan.

The Regional Spatial and Economic Strategy has not identified Arklow as a 'key town' nor has it identified any site in Arklow as a 'strategic site' and therefore to do so would render the County Development Plan inconsistent with Regional Spatial and Economic Strategy.

Therefore it is not recommended to include references to Arklow alongside the official 'key town' and official 'strategic site' designations.

However the CE is committed to ensuring that the new County Development Plan will include objectives that:

- (a) identify Arklow as a centre to direct employment to, and
- (b) strengthen the economic base of the south of the County.

Cllr. T. Annesley indicated that he accepted the CEs response and direction number 10 was withdrawn.

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| Direction No. | 11 |
| Proposed Seconded | Cllr's Annesley, Fitzgerald, Kennedy, Mullen, Glennon, Walsh, Dunne |

Chapter / Topic: Retail Strategy (Core Retail Areas)

Proposed direction: To direct the Chief Executive to as part of the plan review process to review the boundary of the retail core in all of the towns with a view to amending where considered necessary.

Reason: In support of achieving **NPO 16** 'Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes'.

While we are aware that this process will be carried out as part of review and updates of all existing plans this could take over 3 years to achieve and believe that it should form part of the county development plan process to allow the objective be delivered in a shorter time frame. It is a key priority in the Programme for Government it is critical that we are in a position, to avail of potential supports that will be available in the immediate future.

Extract from the programme for Government:

“Town Centres First

We will commit to the development of a Town Centre First policy, modelled on the scheme developed by the Scottish Government, and informed by the Town Centre First pilot project. We will implement a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development and promote residential occupancy in our rural towns and villages. We will use the National Planning Framework as our template. We will:

- *Prioritise a Town Centres First collaborative and strategic approach to the regeneration of our villages and towns, using the Collaborative Town Centres Health Check (CTCHC) framework to gather data and lead actions.*
- *Bring forward an expanded Town and Village Renewal Scheme to bring vacant and derelict buildings back into use and promote residential occupancy.*
- *Provide seed capital to local authorities to provide serviced sites at cost in towns and villages to allow individuals and families build homes”*

Initial CE Response A review of the retail core boundaries is already recommended by the CE in his report:

‘No. 22 Review the boundary of the retail core in all of the towns with a view to amending where considered necessary’.

This will be done as part of **this** County Development Plan review process, not future LAPs – as with the current County Development Plan Maps 06.01 which show the boundaries of the retail cores of all towns, including those with LAPs. Therefore this does not need to form a formal direction.

We are undertaking a full review of all existing provisions with regard to town centres and retail to strengthen policies objectives to deliver better outcomes and regeneration.

Cllr. P. Fitzgerald indicated that he noted the CEs response. Direction number 11 withdrawn.

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| Direction No. | 12 |
| Proposed | Cllr. John Mullen |
| Seconded | Cllr. Gail Dunne |

Chapter / Topic: Energy (Onshore Wind Farming)

Proposed direction: To direct the Chief Executive to ensure that future strategies prevent further onshore windfarm developments being proposed for County Wicklow in order to protect our unique upland landscape, archaeology and taking into account the current existing onshore sites and the planned offshore developments.

Reason: County Wicklow has a unique upland landscape and rural heritage that must be protected. Onshore industrial wind farming alters that landscape from rural, agricultural and recreational to an industrialised site. Co Wicklow already has concentrated its onshore windfarm development to the south west of the county. This has caused significant distress to the environment and to the rural communities that live there.

There are significant offshore windfarm developments planned in the Arklow and North Wicklow coastal areas. Combined with the existing onshore developments, Co Wicklow has and will contribute to our need to produce renewable energy,

There is considerable evidence that the best planning practice with regard to renewable energy is to have a suite of methods of producing clean power. Wind should not become the only source of renewable energy in Wicklow.

There is a wealth of archaeological discovered and yet to be discovered in the Wicklow uplands. The significant construction involved in the infrastructure of onshore wind farming poses an unacceptable risk to the priceless heritage that we are tasked with protecting.

Initial CE Response This proposal is not supported for the following reasons:

1. All Local Authorities are under Ministerial direction **not to** review Wind Energy Strategies at this point in time

https://www.housing.gov.ie/sites/default/files/publications/files/circularletter_pl05-2017_interim_guidelines.pdf

2. Such a provision in the plan would likely be contrary to Government Policy (<https://www.gov.ie/en/policy-information/7498e-renewable-electricity/>), and be contrary to current Ministerial guidelines on wind energy, as well as the new draft guidelines that were published in December 2019 (we understand quite likely to be finalised in the new few months).

The members in the making of the development must comply with the provisions of the Planning Act and in this regard we would just draw you attention to the following section:

28.—(1) *The Minister may, at any time, issue guidelines to planning authorities regarding any of their functions under this Act and planning authorities shall have regard to those guidelines in the performance of their functions.*

(1A) Without prejudice to the generality of subsection (1) and for the purposes of that subsection a planning authority in having regard to the guidelines issued by the Minister under that subsection, shall—

(a) consider the policies and objectives of the Minister contained in the guidelines when preparing and making the draft development plan and the development plan, and

(b) append a statement to the draft development plan and the development plan which shall include the information referred to in subsection (1B).

(1B) The statement which the planning authority shall append to the draft development plan and the development plan under subsection (1A) shall include information which demonstrates—

(a) how the planning authority has implemented the policies and objectives of the Minister contained in the guidelines when considering their application to the area or part of the area of the draft development plan and the development plan, or

(b) if applicable, that the planning authority has formed the opinion that it is not possible, because of the nature and characteristics of the area or part of the area of the development plan, to implement certain policies and objectives of the Minister contained in the guidelines when considering the application of those policies in the area or part of the area of the draft development plan or the development plan and shall give reasons for the forming of the opinion and why the policies and objectives of the Minister have not been so implemented.

Clr. J. Mullen indicated that he withdrew Direction number 12.

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| Proposed | Cllr. Lourda Scott |
| Seconded | Cllr. Mags Crean (absent) seconded by Cllr. Joe Behan |

Chapter / Topic: Volume 3 - Appendix 1 - Development and Design Standards (Section 1)

Proposed direction: To direct the Chief Executive to review the Development and Design Standards (Section 1) to have regard to emerging health issues particularly in relation to increased density of living and co living housing units.

Reason: We have seen the impact of infectious diseases, such as Covid -19, on residents in accommodation with shared facilities such as kitchens, living rooms and leisure rooms. Not only can shared facilities increase the opportunity for disease spread but may also provide challenges in social distancing. Similarly concerns may be raised in general to high density developments and due regard be given to the challenges posed in the control of disease spread.

Initial CE Response The CE is not supportive of the proposed direction, as there has been no Government or HSE advice issued to date that indicates that increased density or co living should be curtailed / reconsidered as result of the current COVID pandemic.

The CE is committed to monitoring emerging health policy and evidence, and ensuring the County Development Plan is consistent with same.

Cllr. L. Scott asked if the Executive could find out the terms of Reference for the review. Direction number 13 withdrawn.

ITEM NO.12

To receive a presentation: NTA projects mobility measures.

This item was deferred to the next scheduled meeting of Wicklow County Council on 5th October, 2020.

THIS CONCLUDED THE BUSINESS OF THE MEETING

CLLR. PAT KENNEDY
CATHOAIRLEACH
WICKLOW COUNTY COUNCIL

MS. LORRAINE GALLAGHER
**DIRECTOR OF SERVICES/
MEETINGS ADMINISTRATOR**

Confirmed at meeting of Wicklow County Council held on Friday 11th December, 2020.