

**MINUTES OF ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 6th
OF MARCH, 2017, COMMENCING 2.00 P.M.**

PRESENT:

COUNCILLOR P. FITZGERALD, CATHAOIRLEACH, COUNCILLORS T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, T. CULLEN, S. CULLEN, P. DORAN, G. DUNNE, T. FORTUNE, C. FOX, M. KAVANAGH, P. KENNEDY, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O' O'BRIEN, M. O'CONNOR, G. O'NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS.

APOLOGIES:

COUNCILLOR CLLR. N. LAWLESS.

IN ATTENDANCE:

**MR. B. DOYLE, CHIEF EXECUTIVE
MR. M. FLYNN, A/DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MR. D. O'BRIEN, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICES
MR. M. GEANEY, A/DIRECTOR OF SERVICES
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. D. CROMIE, A/ HEAD OF FINANCE
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER
MR. M. DEVEREUX, SENIOR ENGINEER
MR. D. MARNANE, A/SENIOR ENGINEER
MS. S. WALSH, SENIOR PLANNER
MR. F. KEOGH, SENIOR ENGINEER
MR. D. FORDE, DISTRICT ADMINISTRATOR
MS. R. WOOD, STAFF OFFICER
MS. K. BOYLE, TECHNICAL SUPPORT OFFICER**

Votes of Sympathy

Elected Members passed a vote of sympathy for the families of the late Mr. Jim McCormack, Mrs. Chrissie Kearney, Mr. Paddy Curran, Mr. James Halloran, Mr. Johnny Cullen, Mr. Sean Maher and Mr. Michael O'Loughlin. A minutes silence was observed for the deceased.

Suspension of Standing orders

Cllr. J. Behan requested a suspension of standing orders to consider notice of motion submitted in the names of the elected members of the Bray MD item 21 (8), which was seconded by Cllr. P. Vance and agreed.

That Wicklow County Council endorses and supports the request by the local residents to address the full meeting of Wicklow County Council when deciding on the Part 8 process (Item 8).

This was agreed.

Recording of Council meetings

In response to a query from Cllr. T. Cullen, L. Gallagher advised that the procurement of stenography services in the Council Chamber to record Council meetings was being processed via the public procurement framework and that this matter was also on the agenda for the Protocol Committee meeting scheduled to take place at 5.00 p.m.

ITEM NO. 1

To confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 6th February 2017

It was proposed by Cllr. G. McLoughlin, seconded by Cllr. J. Ryan and agreed to confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 6th February 2017.

ITEM NO. 2

To consider the disposal of 1.223 acres, by way of 3 year lease, in the townland of Tinakilly, Aghrim, Co Wicklow to Woodfab Timber Ltd., Aghrim, Co Wicklow.

It was proposed by Cllr. S. Bourke, seconded by Cllr. T. Annesley and agreed to dispose of 1.223 acres, by way of 3 year lease, in the townland of Tinakilly, Aghrim, Co Wicklow to Woodfab Timber Ltd., Aghrim, Co Wicklow in accordance with notice previously circulated.

ITEM NO. 3

To consider the disposal of 0.3240 hectares (0.8007 acres) or thereabouts of land at Scratenagh, Arklow, Co Wicklow to Mrs Anne Moore, No. 8 Grangeford, Millwood, Aghrim, Co Wicklow.

It was proposed by Cllr. M. Murphy, seconded by Cllr. S. Bourke and agreed to dispose of 0.3240 hectares (0.8007 acres) or thereabouts of land at Scratenagh, Arklow, Co Wicklow to Mrs Anne Moore, No. 8 Grangeford, Millwood, Aghrim, Co Wicklow in accordance with notice previously circulated

ITEM NO. 4

To consider the disposal of 0.12808 acres (0.0518 hectares) or thereabouts of land at Ballymoyle, Arklow, Co Wicklow to Patrick and Marie Doyle, Ballymoyle, Arklow, Co Wicklow.

It was proposed by Cllr. S. Bourke, seconded by Cllr. P. Kennedy and agreed to dispose of 0.12808 acres (0.0518 hectares) or thereabouts of land at Ballymoyle, Arklow, Co Wicklow to Patrick and Marie Doyle, Ballymoyle, Arklow, Co Wicklow in accordance with notice previously circulated.

ITEM NO. 5

To consider the disposal of 408 square meters or thereabouts consisting of part of 2nd floor, Bray Municipal District Offices, to WiLine PMU Ltd.

Mr. David Forde, Bray MD, responded to a query raised in relation to how much the Council were receiving previous to the new lease being €35,000 per annum. Cllr. J. Behan proposed that the money be ringfenced for Bray which was seconded by Cllr. J. Ryan. It was proposed by Cllr. P. Vance, seconded by Cllr. S. Matthews and agreed to dispose of 408 square meters or thereabouts consisting of part of the 2nd floor, Bray Municipal District Offices, to WiLine PMU Ltd., in accordance with notice previously circulated.

ITEM NO. 6

To consider the disposal of land comprised in Indenture of Lease being 22 Seafield, Wicklow to Eugene and Maureen Doyle, 22 Seafield, Wicklow, Co Wicklow.

It was proposed by Cllr. G. Dunne, seconded by Cllr. D. Nolan and agreed to dispose of land comprised in Indenture of Lease being 22 Seafield, Wicklow to Eugene and Maureen Doyle, 22 Seafield, Wicklow, Co Wicklow in accordance with notice previously circulated.

ITEM NO. 7

To consider report in accordance with provisions of PART XI of the Planning Acts 2000 (as amended) and Part 8 of the Planning and Development Regulations (as amended), where Wicklow County Council proposes to carry out minor realignment of the County Brook in the townlands of Killarney and Bray Commons and construct a new overflow arrangement at the Dargle Road, in the townland of Bray Commons, in the Municipal District of Bray. The purpose of the proposal is to reduce the occurrence of flooding of properties adjoining the County Brook and the Dargle Road.

It was proposed by Cllr. S. Matthews, seconded by Cllr. P. Vance and following a vote agreed to proceed with the carrying out of minor realignment of the County Brook in the townlands of Killarney and Bray Commons and construct a new overflow arrangement at the Dargle Road, in the Townland of Bray Commons in the MD of Bray, in accordance with the report of Ms. Edel Bermingham, Senior Executive Planner, dated 22nd of February, 2017 circulated to the elected members viz:-

FOR 28	CLLRS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, T. FORTUNE, C. FOX, M. KAVANAGH, P. KENNEDY, S. MATTHEWS, M.MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O. O'BRIEN, M. O'CONNOR, G. O'NEILL, J. RUTTLE, J. RYAN, J. SNELL, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS
AGAINST NOT PRESENT 4¹	CLLRS. T. CULLEN, N. LAWLESS, B. THORNHILL AND E. TIMMINS

ITEM NO. 8

To consider report in accordance with provisions of PART XI of the Planning Acts 2000 (as amended) and Part 8 of the Planning and Development Regulations (as amended), where Wicklow County Council proposes to construct an Access Ramp into the River Dargle, and make the fencing to the People's Park removable at the West end of the People's Park, adjacent to River Lane, in the townland of Bray Commons, in the Municipal District of Bray. The purpose of the proposal is to provide the means to access the River Dargle to maintain the River Dargle Flood Defence Scheme in the area of the People's Park.

Elected Members were circulated with the following reports:-

1. Report of Mr. Marc Devereux, Senior Engineer, Bray MD,
2. Appendix 3. Drawings
3. Appendix 2: Report from Senior Executive Planner, Ms. Edel Bermingham, dated the 22nd of February, 2017.

¹ Amended at Council meeting held on Monday 8th May, 2017

4. Appendix 3: List of submission received

The Cathaoirleach welcomed Mr. Eugene Raeside and Ms. Gill Power to the Chamber and invited them to make a presentation to the elected members.

Mr. Eugene Raeside gave a power point presentation and Ms Gill Power gave a verbal presentation setting out their concerns in relation to the proposal summarised as follows:-

- The work carried out on the river Dargle to date is appreciated
- What is documented and displayed in the part 8 is not detailing the impact of the proposal
- Reference made to the petition signed by 360 residents in the Bray area objecting to the dredging.
- The main objective of the presentation is to alert the elected members to the fact that the residents of little Bray have taken legal advice and the matter will be before the Council's law agent in the coming days.
- Elected members requested to think about the EIS for the scheme and the proposal for the concrete ramp
- The people's park is protected by the Bray Commons Act, 1859.
- Wicklow County Council cannot ignore the Act as it does not have the power to do so.

At the conclusion of the presentation a lengthy discussion took place wherein the elected members expressed their views and concerns and raised queries which were responded to viz:-

- The Council must do what is right for the entire area, the slang is not an option, the council should vote on the information that is evidence based
- Request that the works be postponed pending examination of alternatives.
- Investment of €40m welcomed to ensure protection works to the area and the protection of the residents.
- Legal opinion of the Law Agent requested, not acceptable to proceed pending sight of the Law Agent's legal opinion.
- Query as to whether any person had challenged the CPO when submitted to An Bord Pleanala.

Cllr. M. O Connor proposed that the matter be put back pending consideration of the legal advice on ownership. This was seconded by Cllr. M. McDonald.

Cllr. S. Matthews proposed that the Council proceed with the works in accordance with the reports circulated and the 3 conditions contained therein. This was seconded by Cllr. P. Vance.

Cllr. T. Cullen asked that prior to taking a vote on the matter that the elected members be circulated with the Manager's Order giving effect to the CPO. Request that the Manager's Order be faxed from the Bray Office.

L. Gallagher advised that in accordance with the Local Government Act, 2001, the Register of Chief Executive Orders signed since the last previous meeting are to be available for inspection, not every order ever signed.

At the conclusion of the discussion the proposal put forward by Cllr. M. O'Connor, seconded by Cllr. M. McDonald that the Council defer the proposal to allow for legal advice was put to a vote and following a roll call was defeated by a margin of 9 votes for, 21 against and 2 not present viz:-

FOR (9)	CLLRS. J. BEHAN, T. CULLEN, T. FORTUNE, M. KAVANAGH, M. MCDONALD, M. O'CONNOR, G. O'NEILL, J. SNELL AND B. THORNHILL
AGAINST (21)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, C. FOX, P. KENNEDY, S. MATTHEWS, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O. O'BRIEN, J. RUTTLE, J. RYAN, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS
NOT PRESENT (2)	CLLRS. N. LAWLESS AND J. WHITMORE

The proposal put forward by Cllr. S. Matthews and seconded by Cllr. P. Vance that the Council proceed with the development to construct an access ramp into the River Dargle and make the fencing to the People's Park removable at the West end of the People's Park, adjacent to River Lane in the townland of Bray Commons, in the MD of Bray, in accordance with report of Marc Devereux, Senior Engineer, circulated to the elected members subject to the 3 conditions contained therein was then put to a vote and following a roll call was passed by a margin of 24 votes for, 5 against, 2 not present and 1 abstaining viz:-

FOR (24)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, S.CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, C. FOX, P. KENNEDY, S. MATTHEWS, G. MCLOUHGLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSHAND I.WINTERS.
AGAINST (5)	CLLRS. J. BEHAN, T. FORTUNE, M. KAVANAGH, M. MCDONALD AND M. O'CONNOR
NOT PRESENT (2)	CLLRS. N. LAWLESS AND J. WHITMORE
ABSTAINING (1)	CLLR. T. CULLEN

ITEM NO. 9

To receive a deputation from the Raheenleagh/Ballinvalley Wind Action Group

The Cathaoirleach welcomed representatives from the Raheenleagh/Ballinavalley Wind Action Group to the Chamber and invited Mr. Eugene Clune, Ms. Coleen Clune, Ms. Tara Breslin and Mr. Charlie Kavanagh to make a presentation to the elected members.

Mr. Eugene Clune commenced the power point presentation to the members their concerns:-

- Their family background and the group of seven families representatives
- They find themselves in the impossible position of living beside a fully functional industrial windfarm
- The noise is not only a nuisance but is destroying their lives as adults, their children's lives and their livelihoods
- They have huge fears for their wellbeing, their future health and their sanity.
- There are five main issues that the group would like to bring to the attention of the members
 1. Communications between the developers and the residents
 2. Environmental Impact Statement/ Shadow Flicker
 3. Position of the viewing points and impact on their homes
 4. The Grid Connection
 5. Noise and noise monitoring.

Mr. Clune called upon Wicklow County Council to:-

- Invoke condition 12 of the planning conditions under the Wicklow County Council's operating conditions of the Planning and Development Acts of 2000-2006 which calls on the planning authority to set up a 'survey of noise levels'. This is called upon in the Act 'in the interests of proper planning and development, residential amenity and to prevent noise pollution.
- To be fully involved with the residents and the ESB in assessing what the ESB offers in the noise monitoring plan according to conditions 12 of the operating conditions as stated by Wicklow County Council
- That the noise monitoring must use the 'C' weighting scale which records the low frequency or infra sound levels that medical research has shown causes the dizziness, headaches, nausea and sleep disturbance that we, the residents are now experiencing regular.

Time Extension

Following Eugene Clune's presentation the Cathaoirleach proposed a time extension of the meeting to 5.30 p.m. which was agreed.

Ms. Tara Breslin and Ms. Coleen Clune then delivered in their own words the impact living beside the wind turbines is having on the lives of their families.

At the conclusion of the presentations the delegation put forward four requests to Wicklow County Council to take on board:

1. That the viewing point at turbine five and turbine one be closed and dismantled with immediate effect.

2. We note that WCC have sent a letter of warning to ESB in relation to the grid connection. We believe no proper EIS exists for the 2012 windfarm development at Raheenleagh and we ask that WCC to send a second letter of warning to ESB in relation to the EIS.
3. In the interests of child protection and public health hazards – our health because we are members of the public - we ex(h)ort you to close down Raheenleagh windfarm until such time as the issues presented here today have been resolved to everyone’s satisfaction.
4. We request a meeting with the chairperson and the permanent officers (whether in planning, engineering, environment, or enforcement) to discuss the case that has been made here today.

Mr. Charlie Kavanagh, then presented to answer any questions the elected members might have in relation to the presentations.

A discussion ensued wherein the elected members expressed support for the issues raised by the residents. Mr. Des O Brien responded to the queries raised with regard to compliance with planning conditions with regard to noise and carrying out of noise surveys.

Cllr. S. Cullen proposed the following which was seconded by Cllr. M. McDonald. *‘That Wicklow County Council writes to the Minister and the Department to reverse his decision on distance setbacks on wind farms that was agreed by this Council through the County Development Plan process, on the basis that this decision will be detrimental to rural communities.’*

Cllr. T. Cullen proposed the following amendment which was seconded by Cllr. P. Fitzgerald:- *‘That the Minister will put an immediate stay on his order/direction re. Wicklow County Development Plan 2016 – 2022 regarding windfarms.’*

Cllr. M. McDonald proposed the following which was seconded by Cllr. M. Murphy:- *‘That the Raheenleagh Wind Farm is immediately decommissioned until the concerns, queries and issues of the local residents are addressed.’*

Following a discussion on the proposals and request for clarification regarding whether the proposals were realistic and legal it was agreed to defer consideration of the proposals until the April meeting.

ITEM NO. 10

To discuss : Ireland 2040 – Our Plan – National Planning Framework – the making of a submission.

It was agreed to defer this Item to the next meeting.

ITEM NO. 11

To consider the adoption of The Age Action Friendly Strategy 2017 – 2022.

It was agreed to defer this Item for consideration to the next meeting, Monday 13th March 2017.

ITEM NO. 12

To note the Local Government Audit Report, 2015

The elected members were circulated with The Annual Financial Statements 2015 of Wicklow County Council, a copy of the Statutory Audit report including the response of the Chief Executive.

It was proposed by Cllr. G. Dunne, seconded by Cllr. P. Vance and agreed to note the Local Government Audit Report, 2015 as circulated.

ITEM NO. 13

To note the NOAC Report on Performance Indicators in Local Authorities, 2015.

It was agreed to defer this Item for consideration at the next meeting, Monday 13th March 2017.

ITEM NO. 14

To consider the Wicklow County Council Annual Service Delivery Plan.

It was agreed to defer this Item to the next meeting, Monday 13th March 2017.

ITEM NO. 16

To note The Monthly Management Report of Wicklow County Council – February 2017.

It was proposed by Cllr. P. Vance, seconded by Cllr. G. Dunne and agreed to note the Monthly Management Report of Wicklow County Council – February 2017.

ITEM NO. 17

To note that the Wicklow County Council Parking Byelaws, 2017 (draft) will be place on public display for a period of 6 weeks – closing date, 18th April, 2017.

It was agreed to defer this Item for consideration to the next meeting, Monday 13th March 2017.

ITEM NO. 18

To note the attendance of the Chinese Ambassador to Ireland, His Excellency, Dr. Yue Xiaoyong, at Council meeting to be held on Monday 3rd April, 2017 as recommended by the protocol committee.

The elected members agreed to receive HE D.Yue Xiaoyong, Chinese Ambassador to Ireland at Council meeting scheduled for the 3rd of April, 2017.

ITEM NO. 19

To receive update on Elected Members Fundraising Gala Event in aid of The Wicklow Hospice (Friday 7th April 2017).

Ms. L. Gallagher advised that the event was successfully launched in the Parkview Hotel on Thursday evening 26th January with press release and photo op. Six tickets have been reserved per elected member and TD, this is a 320 seat event. The event will commence with a drinks reception at 7.15 p.m., followed by gala dinner, raffle, charity auction, music by The Whipperwills and guest entertainment and members have been asked to provide a raffle prize. The Committee has agreed that a photo op of each of the five municipal districts presenting individual cheques for €10,000 will take place before the Council meeting on Monday the 3rd of April, 2017, and members are asked to note same in their diary. The Wicklow Hospice Foundation would like their sincere appreciation to the Wicklow County Councillor be noted.

ITEM NO. 20

Correspondence

Requisition for a special meeting – Monday 13th March, 2017

The Cathaoirleach advised that he had received a requisition for a special meeting signed by nine elected members to hold a special meeting on Monday the 13th of March, 2017 at 2 pm, to discuss the following:- *‘The ongoing problem with our housing stock and the lack of maintenances to deal with damp and mould issues.’*

The Cathaoirleach advised that he intended to discuss the deferred business of today's meeting at the special meeting.

Cllr. J. Snell proposed that the five TDs of County Wicklow be invited to attend the meeting to hear the issues raised. This was agreed.

Cllr. J. Ryan proposed that the special meeting be held at 6.00 p.m., which was seconded by Cllr. G. McLoughlin.

L. Gallagher requested a proposer to have the meeting at 2.00 p.m. which did not come from the floor as the business of the meeting had concluded.

ITEM NO. 21

Notice of Motions: to be considered at 4.00 p.m. to 4.30 p.m.

Deferred to the next meeting.

THIS CONCLUDED THE BUSINESS OF THE MEETING

CLLR. PAT FITZGERALD
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL

MS. LORRAINE GALLAGHER
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR