

ORDINARY MEETING OF WICKLOW COUNTY COUNCIL

HELD AT WICKLOW COUNTY BUILDINGS, WICKLOW TOWN

ON MONDAY, 4TH SEPTEMBER 2017 AT 2:00 P.M

Gwen Malone Stenography  
Services certify the  
following to be a true  
and accurate transcript  
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notes in the above-named  
action.

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GWEN MALONE STENOGRAPHY

1 THE MEETING COMMENCED ON MONDAY, 4TH DAY OF  
2 SEPTEMBER, 2017 AS FOLLOWS:

3  
4 CATHAOIRLEACH: Members, you're all very welcome here  
5 this afternoon. The first item I'd like to open to the 14:05  
6 floor is votes of sympathies. Cllr. Ryan.

7 CLLR. RYAN: Thanks, Cathaoirleach. Obviously the  
8 death occurred last week of former councillor Conal  
9 Kavanagh so I'd like to express my sympathies to his  
10 family and friends. I think, like other people around 14:06

11 this table, they spent quite a lot of time with Conal  
12 as a colleague Councillor and I was on two regional  
13 assemblies with him and he was a fantastic colleague  
14 and always, even though we were different parties he  
15 always had an alternative view of things which it was 14:06

16 fantastic to talk through because he had a passion for  
17 politics and obviously for the people of Wicklow and  
18 specifically the people of Wicklow Town who he served  
19 brilliantly. But obviously for myself it was the last  
20 number of years working together with him, a great 14:06

21 place to work. I think just the constant flow of  
22 e-mails from our clients talking about the impact that  
23 he had over the years. He had immense knowledge of the  
24 HR industry and helped many organisations get through  
25 some really tough problems that they were facing. 14:07

26  
27 So I can't honestly express the shock that our  
28 organisation has gone through since we got the phone  
29 call on Sunday afternoon to say that he had passed

1 away. My heart to get out to his wife, obviously  
2 Kiara; two kids Áine and Rían; his sister and  
3 sister-in-law and obviously his mum and dad who I think  
4 just were amazingly strong during the last week and so  
5 God rest his soul. 14:07

6 CATHAOIRLEACH: Cllr. Gail Dunne.

7 CLLR. DUNNE: Thank you, Chairman. I'd also like to  
8 join in my sympathies for the family of Conal Kavanagh.  
9 I've known him since early childhood; we were in  
10 primary school together. But I really got to know him 14:07  
11 I think in the five years in Wicklow Town Council  
12 where, you know, we worked hard for the town and I know  
13 how much Conal loved the town. He was great company to  
14 be in. No matter where you met him he was always in  
15 good humour. Loved his sport. Always loved to talk 14:08  
16 about sport, golf, GAA whatever it was.

17  
18 I was up in the house the other day and Kiara was very  
19 strong and to Kiara, Áine, Rían, mother and father,  
20 family it's an awful time for them. 14:08

21  
22 I think Wicklow Town has lost one of the good guys and  
23 I couldn't believe when I heard the word last Sunday  
24 week. I was shocked to hear that Conal had died. He  
25 was a good friend and I wish all his family the best. 14:08  
26 Thank you.

27 CATHAOIRLEACH: Cllr. Fortune.

28 CLLR. FORTUNE: Thanks, Cathaoirleach. Yeah, on my own  
29 behalf and on behalf of the Group I'd like to extend my

1 sincere sympathies to Kiara, Áine and Riain and his  
2 father Liam and mother Margaret and his sister. Really  
3 it's very sad what's happened.

4  
5 As we all know, politics can be very combative. Conal 14:08  
6 had a very quiet kind of persona and could make his  
7 point in his own style without maybe being as combative  
8 as some of us can be. So I was really, really shocked  
9 and sad to hear of his sad passing.

10 14:09  
11 The Kavanaghs, as we all know, going back to the  
12 Everetts, have been associated with politics in Wicklow  
13 I think since politics as we know it today began. So  
14 there's been a long, long, long and I had the privilege  
15 to share nine years of politics with Conal and they 14:09  
16 were very interesting times for both of us.

17  
18 In fact I was at a wedding only four weeks ago and  
19 himself and Kiara were there and I was chatting to him  
20 during the wedding and I met him again the following 14:09  
21 day at the afters and they were heading off to France  
22 for their holidays. So when I got a call last Sunday  
23 afternoon to say what had happened, to say the least I  
24 was extremely shocked. So really I would just like to  
25 sympathise sincerely with the family and to hope that 14:10  
26 Conal will rest in peace.

27 CATHAOIRLEACH: Cllr. Nicola Lawless.

28 CLLR. LAWLESS: Thanks, Cathaoirleach. Yeah, the Sinn  
29 Féin Group would like join in the condolences to Kiara,

1           Áine and Rían. It was a terrible shock when we got  
2           that e-mail last week. I didn't have the pleasure  
3           actually to work with Conal. I'm afraid I wasn't in  
4           politics when he was around but I've heard great things  
5           of them. My deepest sympathies to Kiara and her  
6           family. 14:10

7  
8           I'd also like to just send condolences as well to  
9           Cllr. Brendan Thornhill as well on the passing of his  
10          mother. Thank you. 14:10

11         CATHAOIRLEACH: Cllr. Christopher Fox.

12         CLLR. FOX: Like the previous Members, I, too, would  
13         like to offer my sympathy to the Kavanagh family on  
14         Conal's passing. I had the privilege of serving for  
15         ten years on the Council with Conal. And like 14:10  
16         Cllr. Fortune has said, the Kavanagh family has made a  
17         huge contribution to public life here in the County and  
18         nationally as well. I always found Conal to be a very  
19         articulate public rep. when he spoke in this Chamber  
20         people listened because he was offering an opinion that 14:11  
21         people wanted to listened to and often a solution to a  
22         very difficult problem. I know to Kiara and the family  
23         it's a terrible time for them. Kiara, of course, is a  
24         very popular member of the staff here in Wicklow so  
25         many of us know Kiara in her own right and it's a very 14:11  
26         sad time for the family. So I would like to offer my  
27         sympathy to the whole family.

28  
29         I always, too, would like to be associated with a vote

1 of sympathy to Cllr. Thornhill on the passing of his  
2 mother, Alice - I think she was in her mid-nineties -  
3 down in Cork. We all know from Brendan's lilt that  
4 he's a west Cork man down in Cork. All the family, I  
5 think you still have family down in Cork, Brendan, so 14:12  
6 to all Brendan's family and neighbours, I believe she  
7 was a remarkable. So I would like to offer my sympathy  
8 to Brendan as well and his family. Thank you.  
9 CATHAOIRLEACH: Cllr. Gerry O'Neill.  
10 CLLR. O'NEILL: Cathaoirleach, again, I'd like to be 14:12  
11 associated with the condolences on behalf of the  
12 Kavanagh family. It was definitely an untimely death  
13 by the sounds of it. I didn't know him personally but  
14 I knew Liam well. I'd offer my sympathies.  
15 14:12  
16 Also to Brendan Thornhill on losing his mother there a  
17 fortnight ago I would like to be associated with that.  
18  
19 Could I also offer my sympathies to the three people  
20 that died within the last week, the three homeless 14:12  
21 people; two ladies and a man in Dublin. It's an out  
22 and out tragedy that homeless people are actually dying  
23 now. So I'd like to propose a vote of sympathy for  
24 those three individuals.  
25 CATHAOIRLEACH: Cllr. Kavanagh. 14:13  
26 CLLR. KAVANAGH: Thanks Cathaoirleach. I would also  
27 like to add my vote of sympathy on the passing of  
28 Conal Kavanagh on his untimely passing. As a youngster  
29 I grew up in Wicklow where we were lucky enough to have

1 a TD and to have a TD in the town was something  
2 wonderful back then - I don't know if it is still is -  
3 but back then it was a great honour that his dad was  
4 representing Wicklow in Dáil Éireann and it was great  
5 to see Conal following the family tradition. It was 14:13  
6 absolutely shocking. The whole town was shocked and I  
7 know I can speak on behalf of everybody in the town  
8 when I say how upset everybody was to hear of his  
9 passing at such a young age. So I want to extend my  
10 vote of sympathy to Kiara, Áine, Rían and Liam, 14:13  
11 Margaret and Rosemary, who is a very good personal  
12 friend of mine, his sister.

13  
14 I also want to just offer my sympathies to  
15 Brendan Thornhill on the passing of his mother, Alice, 14:14  
16 as well. Thank you.

17 CATHAOIRLEACH: Cllr. Fitzgerald.

18 CLLR. FITZGERALD: I'm not just going to go back over  
19 ground but I certainly was deeply shocked to learn of  
20 the death of Conal Kavanagh last Sunday week. As well 14:14  
21 as serving on the Council with him here for five years  
22 I worked two offices away from him in the older Irish  
23 Fertiliser Industry's business which folded in 2002 and  
24 I always found him to be a proper gentleman. Only in  
25 the last week did I know how popular he was when so 14:14  
26 many people contacted me that he helped. And as  
27 Cllr. Ryan said, he was an expert on public relations.  
28 He was the Personnel Manager when the business stopped  
29 and I have to say he gave so much advice to so many

1 people, he was calm, cool and collective and, as I  
2 said, he was a proper gentleman and I was deeply  
3 shocked to learn last Sunday of his death.

4  
5 Can I also offer my condolence to Cllr. Thornhill on  
6 the death of his mother last week in Cork. Thank you.  
7 CATHAOIRLEACH: Cllr. Snell.

14:15

8 CLLR. SNELL: Thanks, Cathaoirleach. Again, like  
9 previous speakers, I'd like to be associated with the  
10 sincere condolences to the Kavanagh family. I had the  
11 honour of serving with Conal from 2009 to 2014 on  
12 Wicklow County Council and the East Wicklow Area. I  
13 found him a no-nonsense-type of public representative.  
14 I suppose that's no surprise because Conal was born  
15 into politics from the time of through Jim Everett,  
16 down to his father, Liam Kavanagh, always associated  
17 with representing people as best as they could. He  
18 will be severely missed. He was the voice of reason  
19 while he was in in his Chamber. To Kiara and the  
20 family I send sincere condolences. And also to  
21 Cllr. Brendan Thornhill on the passing of his mother.  
22 Thank you.

14:15

14:15

14:16

23 CATHAOIRLEACH: Cllr. Winters.

24 CLLR. WINTERS: Thanks, Cathaoirleach. Cllr. Ryan  
25 spoke on behalf of our Group offering condolences for  
26 Cllr. Kavanagh and I'd like to speak on behalf of our  
27 Group to offer condolences to Cllr. Thornhill on the  
28 death of his mother. Thank you.

14:16

29 CATHAOIRLEACH: Cllr. O'Brien.



1 CLLR. O'BRIEN: [Irish spoken]  
2 CATHAOIRLEACH: Thank you. I, too, as Chairman, would  
3 like to be associated with the votes of sympathy. I  
4 knew Conal from, we both started in the Council at the  
5 same time, 2004. I always found him to be a very 14:16  
6 clever, incisive, practical man who gave his opinion  
7 and, as Cllr. Fox alluded to, people listened. He  
8 often gave an angle on things that the rest of us  
9 hadn't thought about and I thought he gave a great  
10 contribution to Wicklow over the years. My condolences 14:16  
11 are with his family.

12  
13 Equally, I'd like to offer my condolences to  
14 Cllr. Thornhill on the death of his mother. It's  
15 always a very sad occasion. 14:17

16  
17 Thirdly, I'd also like to offer a vote of sympathy for  
18 Joe Forest, the former engineer of this County Council.  
19 Thank you.

20  
21 If we could have a minute's silence. 14:17

22  
23 ONE MINUTE'S SILENCE WAS OBSERVED

24  
25 CATHAOIRLEACH: Cllr. Thornhill. 14:18

26 CLLR. THORNHILL: Cathaoirleach, go raibh maith agat.  
27 Cathaoirleach, on behalf of myself and on behalf of my  
28 family I would like to say míle buíochas to gach duine,  
29 and thanks. I would like to thank everyone for their

1 kindle words and kindness. It means a lot to the  
2 family and especially at a time, at this time.

3  
4 I also would like to thank some of the Members from  
5 this Chamber here who made the long and arduous journey 14:18  
6 all the way down to Skibbereen and for that, heartfelt  
7 thankness. Go raibh míle maith agat. Thank you.

8 CATHAOIRLEACH: Cllr. Blake.

9 CLLR. BLAKE: Thanks, Chairman. I know there was a big  
10 day in Croke Park yesterday and I see Gerry hasn't made 14:18  
11 it back here to the meeting today, he's probably still  
12 celebrating. But, equally, so, ladies' football in

13 Wicklow had a big day yesterday. Gaelic football is  
14 improving and certainly becoming a very passionate game  
15 for a lot of girls. It's great to see girls exercising 14:19  
16 in that regard. We always talk about inclusive nature  
17 of sport and it was a great day in Aughrim yesterday.

18 So I'd like to congratulate all the teams that played  
19 down there. I know that Pat's won the Junior Final;  
20 congratulations to them. But I would like to 14:19

21 congratulate my own club, Tinahely, on winning both the  
22 intermediate and senior ladies' football yesterday.

23 And commiserations, as I said, to the other clubs who  
24 lost and I certainly do know that Pat's were a great  
25 punch of girls yesterday and I think their day will 14:19

26 come in the future as well. Certainly, to the Tinahely  
27 girls I would just like to take the opportunity of  
28 congratulating them. It', I think, six titles in the  
29 last seven years, which is a great achievement for any

1 girls to be able to do. So to the immediate and the  
2 senior girls in Tinahely, congratulations. Thank you.  
3 CATHAOIRLEACH: Cllr. Gail Dunne.  
4 CLLR. DUNNE: Thank you, Chairman. Yeah, just, like  
5 Vincent Blake, it was a great day down there yesterday. 14:19  
6 Big crowds. Football played in great spirit. I want  
7 to congratulate the Pat's junior team, junior ladies  
8 who had a great win over Arklow and played really well;  
9 and commiserate with the Pat's, the senior team,  
10 they're a very, very young group of girls coming 14:20  
11 probably from a feile group that won the All Ireland  
12 Feile Division 1, 2014. So I think their day will come  
13 hopefully. I'd just congratulate all the County Board,  
14 the running of the day yesterday, the three games, it  
15 was a great day in Aughrim yesterday. Thank you, 14:20  
16 Chairman.  
17 CATHAOIRLEACH: Members, I've received three requests  
18 for suspension of Standing Orders over the last day.  
19 So I'm just going to take them in the order that I  
20 received them. The first one Cllr. Sylvester Bourke. 14:20  
21 CLLR. BOURKE: Thank you, Cathaoirleach. I'd just like  
22 to request a suspension of Standing Orders to briefly  
23 discuss this deplorable state of the local roads in  
24 Annacurragh to Ballinglen. Many local people there are  
25 very frustrated that the road restoration has been 14:20  
26 delayed and that the roads are so badly cut up. I was  
27 hoping that we could get some clarification as to  
28 outline for full restoration of the roads there. This  
29 is on foot of the laying of ducting for cabling for the

1 wind farm in Tinahely.

2 CATHAOIRLEACH: Is that agreed to discuss that at 4:30?

3 FROM THE FLOOR: Agreed.

4 CATHAOIRLEACH: I've two other requests.

5 Cllr. Lawless, did you want to express your? 14:21

6 CLLR. LAWLESS: Thanks, Cathaoirleach. I just want to,

7 again, just a brief discussion around trying to push to

8 get the GP out-of-hours for North Wicklow, which will

9 be based in Loughlinstown. Just in light of what

10 happened with the gentleman who turned up to A&E there 14:21

11 and had the heart attack. If these services had been

12 in place this possibly wouldn't have happened. So I

13 would like a brief discussion about that as well

14 please, thank you.

15 CATHAOIRLEACH: Is that agreed? 14:21

16 FROM THE FLOOR: Agreed.

17 CATHAOIRLEACH: And lastly, then, Cllr. Whitmore.

18 CLLR. WHITMORE: Thanks, Chair. Yeah, I was hoping to

19 discuss today the issue of the Fire Safety Report that

20 was released last Friday. It shows that there are 14:22

21 significant fire safety issues and the failures with

22 the build of the gaelscoil in Greystones. This report

23 was issued on Friday, however, the fire safety

24 inspections had been conducted in late 2015 and 2016.

25 But I think we need to discuss measures and how the 14:22

26 Fire Safety Officer can interact with the school to

27 ensure that the kids are kept safe until the works have

28 been completed, as they've yet to start in the school.

29 CATHAOIRLEACH: Is that agreed?

1 FROM THE FLOOR: Yeah.

2 CATHAOIRLEACH: Thanks, Members. Now I'll go to the  
3 agenda-proper. First item.

4 MS. GALLAGHER: To confirm and sign minutes of Ordinary  
5 meeting of Wicklow County Council held on Monday, 12th 14:22  
6 June. If I could have a proposer and a seconder  
7 pleased.

8 CLLR. DUNNE: Proposed.

9 MS. GALLAGHER: Seconded?

10 14:23

11 To confirm and sign minutes of Annual Meeting of  
12 Wicklow County Council held on Monday, 19th June.  
13 Proposer?

14 CLLR. RYAN: Proposed.

15 MS. GALLAGHER: Cllr. Ryan. Seconded? Cllr. Winters. 14:23  
16

17 To confirm and sign minutes of Ordinary meeting of  
18 Wicklow County Council held on Monday 3rd July,  
19 proposed, Cllr. Fitzgerald. Seconded, Cllr. Kavanagh.

20 14:23

21 To confirm and sign meetings of Special meeting of  
22 Wicklow County Council held on Monday, 24th July.  
23 Proposer, Cllr. Snell. Seconder, Cllr. Dunne.

24

25 To confirm and sign minutes of the meeting of Elected 14:23  
26 Members of Wicklow County Council held on Monday, 14th  
27 August. Proposer, Cllr. Vance. Seconded,  
28 Cllr. Winters.

29 CATHAOIRLEACH: Item 6: To consider the disposal of

1 0.5265 acres, being lands situated in Kilbride Arklow,  
2 County Wicklow, to the IDA, Kilbride Industrial Estate,  
3 County Wicklow, as per notice previously circulated.  
4 CLLR. BOURKE: I propose that.  
5 MS. GALLAGHER: Proposed by Cllr. Bourke. 14:24  
6 CLLR. FITZGERALD: I second that.  
7 MS. GALLAGHER: Seconded by Cllr. Fitzgerald. Is that  
8 agreed?  
9 FROM THE FLOOR: Agreed.  
10 CATHAOIRLEACH: Item 7: To consider the disposal of 14:24  
11 1.7 acres, or thereabouts, of land situated at  
12 Parkmore, Baltinglass, County Wicklow, by way of a for  
13 the 35 year lease to Baltinglass Town AFC. I propose  
14 that.  
15 MS. GALLAGHER: Proposed by the Cathaoirleach, seconded 14:24  
16 by Cllr. O'Neill. Is that agreed?  
17 FROM THE FLOOR: Agreed.  
18 CATHAOIRLEACH: We've both been pursuing that.  
19  
20 Item 8: To consider disposal of 0.0069 hectares of 14:24  
21 land, situated in the townland at Knockanrahan Lower,  
22 Arklow, County Wicklow, to Richard Cooke and  
23 Catherine Boyd, 1, Templeraíney Park, Arklow.  
24 CLLR. BOURKE: I propose that.  
25 CATHAOIRLEACH: Cllr. Fitzgerald. 14:24  
26 CLLR. FITZGERALD: I propose it.  
27 CATHAOIRLEACH: I'll give Fitzgerald this one and  
28 Bourke seconded.  
29 MS. GALLAGHER: Is that agreed? Thank you.

1 CATHAOIRLEACH: Item 9: To consider report in  
2 accordance with Part VIII of the Planning and  
3 Development Regulations 2001 (as amended) in respect of  
4 proposed development at Greystones Harbour:  
5 Construction of a temporary storey marketing suite and 14:25  
6 alterations to previously approved plans at Blocks E,  
7 F, G, H, I, J and Terraces No. 13 and No. 14 at  
8 Rathdown Upper and Rathdown Lower/Greystones Harbour  
9 and North Beach, Greystones, County Wicklow.  
10 MS. GALLAGHER: Do we have a proposer? 14:25  
11 CATHAOIRLEACH: Cllr. Mitchell. Did you want to speak,  
12 Cllr. Mitchell?  
13 CLLR. MITCHELL: I'll just propose that.  
14 MS. GALLAGHER: Cllr. Mitchell, yeah.  
15 CATHAOIRLEACH: Proposed by Cllr. Mitchell. 14:25  
16 MS. GALLAGHER: Seconded?  
17 CATHAOIRLEACH: Cllr. Fortune.  
18 CLLR. FORTUNE: I've been away for the last week and a  
19 half at different things and I haven't really had a  
20 chance to read this report so I'm going to abstain on 14:25  
21 this particular vote because I haven't actually gone  
22 through the document in detail.  
23 CATHAOIRLEACH: Okay.  
24 MS. GALLAGHER: Can we have a seconder? Cllr. Winters.  
25 Okay we'll go for a vote. [VOTE TAKEN.] 14:25  
26 That's 22 for; five not present; and three abstaining.  
27 CATHAOIRLEACH: Okay. Item 10: To consider report in  
28 accordance with Part VIII of the Planning and  
29 Development Regulations 2001 (as amended) in respect of

1 playground and play space at South Beach, Mill Road,  
2 Greystones, County Wicklow. Cllr. Whitmore.  
3 CLLR. WHITMORE: I'd like to propose that.  
4 MS. GALLAGHER: Cllr. Whitmore.  
5 CLLR. LAWLESS: I'll second that. 14:27  
6 MS. GALLAGHER: Cllr. Lawless.  
7 CATHAOIRLEACH: Seconded by Cllr. Lawless.  
8 CLLR. WHITMORE: Can I just also say that I'd like to  
9 thank the Committee and Michael and Theresa and the  
10 team in here for progressing this project so far and so 14:27  
11 quickly. It's going to be a huge valuable asset for  
12 the town. So thank you.  
13 MS. GALLAGHER: Okay, thank you. We'll go for a vote.  
14 [VOTE TAKEN] That's 27 for; and five not present.  
15 CATHAOIRLEACH: Item 11: To consider the approval of 14:29  
16 the borrowing of €1,020,000 plus VAT @ 13.5% for the  
17 acquisition of 2.873 hectares at Broomhill, Rathnew,  
18 County Wicklow (copy report attached).  
19 MS. GALLAGHER: Can I have a proposer and seconder?  
20 CLLR. BOURKE: Proposed. 14:29  
21 MS. GALLAGHER: Proposed by Cllr. Bourke. Seconded by  
22 Cllr. Dunne.  
23 CATHAOIRLEACH: Cllr. Lawless, would you like to speak?  
24 CLLR. LAWLESS: Can I just ask a quick question about  
25 that land? Is this land going to be used because it's 14:29  
26 under Part V? Is it going to be used for social  
27 housing, Joe?  
28 MR. LANE: Yes. We will be dealing with them in the  
29 next, we will be bringing it back (inaudible as mic not



1 switched on). Probably it is a lot of land and whether  
2 you'd release it all out in social housing in the  
3 short-term, (inaudible) in the community would be  
4 questionable. There is no affordable scheme at the  
5 moment. So it is just what you do with it. Yes, it is 14:30  
6 social housing it's just what exactly we use it or how  
7 we feel --

8 CLLR. LAWLESS: So will you be acting on this fairly  
9 quickly once you have this? Because if you have going  
10 to look at social housing, I mean this is what, twelve 14:30  
11 years to waiting to get this. I know there's been  
12 bumps with this particular issue.

13 MR. LANE: There is a scheme we'd need. That would  
14 probably be approved of or something else. We all  
15 agree a couple of weeks ago that the next phase of 14:30  
16 priorities, which would be 2018-2021, so we might be  
17 looking at part of it there. It is a big piece of  
18 land. It is just in the 85 to 90 units, which probably  
19 wouldn't be in the best interests of releasing it  
20 straight into -- 14:30

21 CLLR. LAWLESS: I understand that. It's just --

22 MR. LANE: We will be back with plans.

23 CLLR. LAWLESS: If there's a possibility of some social  
24 housing, obviously because of the way we are, it would  
25 be good to know that it was being moved along as quick 14:30  
26 as we possibly can.

27 MR. LANE: In September and we'll be back either  
28 through the Municipals or through the SPC but we will  
29 have a plan and will offer land to the local authority

1 on it.

2 CLLR. LAWLESS: Thanks, Joe, for that. Thank you.

3 CATHAOIRLEACH: Any other?

4 MS. GALLAGHER: Is that agreed?

5 FROM THE FLOOR: Agreed. 14:31

6 MS. GALLAGHER: Thank you.

7 CATHAOIRLEACH: Item 12 on the agenda. This is to  
8 receive a delegation of representatives from "The Big  
9 Start Campaign" on behalf of Early Year Educators and  
10 Providers in County Wicklow. The three ladies to my 14:31  
11 right who are very welcome are Shona Byrne,  
12 Sinéad Plunkett and Susan Carey. You're all very  
13 welcome.

14 MS. BYRNE: Thank you very much. Hi, everybody, my  
15 name is Shona Byrne and I'm an organiser with the SIPTU 14:31  
16 Big Start Campaign. I'd like to thank Wicklow County  
17 Council and all the Councillors, and especially  
18 Lorraine, to facilitating us here today to make a  
19 presentation.

20 14:31

21 I am just going to speak briefly and then I am going to  
22 introduce my colleagues who are working and providing  
23 early years education in the sector, to speak about  
24 what's going on at the moment.

25 14:31

26 So quality, early years education and care is  
27 internationally recognised as hugely important and  
28 beneficial for children's development at the very early  
29 stages of their lives, as well as having huge social

1 and economic benefits for the State. while Government  
2 funding into the early year sector has increased over  
3 the last number of years with the introduction of ECCE  
4 Scheme and other schemes, the sector still remains  
5 chronically underfunded and underresourced. At less 14:32  
6 than 5% of Ireland's GDP, our level of investment into  
7 early years falls way short of European average and the  
8 UNICEF recommendation of 1% of GDP to be spent on early  
9 years education. So what's really needed is a radical  
10 change in our we fund the early years sector into the 14:32  
11 future because children deserve quality education;  
12 parents deserve affordable accessible childcare;  
13 providers need sustainable; and the educators who are  
14 providing high quality education in the early years  
15 sector need proper wages and a professional rate of 14:33  
16 pay. That's is why SIPTU, along with other  
17 stakeholders in the sector has launched the Big Start  
18 Campaign. We want to bring educators, providers,  
19 managers, parents and sectoral organisations together  
20 to become a strong voice for the sector as we have in 14:33  
21 other sectors of the education system.

22  
23 The early years education sector has about 23,500  
24 employees, the majority of which are women, 97% of the  
25 workforce are women. And early years educators and 14:33  
26 providers that we're meeting every day are so  
27 passionate and dedicated about their job, everybody  
28 wants to provide high quality education for children  
29 from the very early stages right up to when they get

1 ready to go to primary school. However, because of the  
2 chronic level of underfunding and years of underfunding  
3 into the sector there's huge issues facing providers  
4 and educators which my colleagues will speak more about  
5 now, including things like a very low rate of pay in 14:33  
6 the sector. The average rate of pay is about €10.27 an  
7 hour for a qualified early years professional. A lot  
8 of people are on the minimum wage and providers  
9 themselves, many providers can't even take a wage  
10 because of the low funding. 14:34

11  
12 Because the majority of funding comes into the sector  
13 and is funded on a 38-week model, so the ECCE Scheme is  
14 for 38 weeks of the year, this results in very  
15 precarious employment, including 38-week part-time 14:34  
16 contracts and low wages and many early years educators  
17 have to sign-on over the summer months. So in what  
18 other sector would qualified professionals have to go  
19 on the dole for two months of the year? It doesn't  
20 happen in other education sectors. And providers who 14:34  
21 are self-employed can't signed sign-on because they're  
22 not allowed. And what we really need is -- while I did  
23 mention that there has been progress over the last  
24 number of years in terms of Government funding, we need  
25 significant State investment over a long sustained 14:34  
26 period of time to put in place a nationally recognised  
27 pay scale; to put in place support for training and  
28 up-skilling to make it sustainable for providers to  
29 provide high quality and to make it a decent sector for

1 people to work in. You have more and more people  
2 coming out into the sector with degrees, graduate level  
3 but because of the low wages they're forced to leave  
4 the sector. So we're losing highly qualified people  
5 out of the sector and that's not good for anybody.

14:35

6  
7 So the Big Start Campaign, at the heart of it is we  
8 want to build a really strong sector, inclusive of  
9 everybody that provides high quality education for  
10 children, affordable for parents, accessible for  
11 everybody, but really that the workers in the sectors  
12 are respected and recognised for educators and for the  
13 professional job that they do and the providers are  
14 supported by the Government.

14:35

15  
16 So I'm going to introduce my colleague now,  
17 Sinéad Plunkett, who is an early years provider with  
18 Tus Nua Montessori, who is going to speak about her  
19 experience of the many issues in the sector. Thank  
20 you.

14:35

14:35

21 CATHAOIRLEACH: Thank you.

22 MS. PLUNKETT: Thank you, everybody. Thank you,  
23 Councillors, for having us and thank you for my work  
24 colleagues for supporting me here today, I'm quite  
25 nervous.

14:36

26  
27 I run a childcare service in Bray and I'm very  
28 passionate about what I do and so are my workforce.  
29 The girls that are working for me have been with me

1 since I started the business and I'm very fortunate.  
2 But I have a lot of friends and a lot of other  
3 colleagues in the industry that have people who come  
4 and go in the workforce because the wages are so low at  
5 the moment.

14:36

6  
7 I'll give you an example of my service. I have 22  
8 children and on the ECCE Scheme we get €4.30 per hour  
9 per child. So per morning per hour I get €95 an hour.  
10 I have to pay wages; taxes; rent; insurance; rates;  
11 materials; and maybe a tea and a coffee at the end of  
12 the week for the job that we do. In our day's work it  
13 consists of bringing lots of different children with  
14 lots of different abilities in, from a very young age,  
15 to prepare them for the start of their schooling.

14:36

14:37

16 We are the first educators for these children. And a  
17 lot of people don't value that. Parents now think that  
18 the ECCE Scheme is just a free childcare service or a  
19 free babysitting service for parents. Whereas us on  
20 the other side who have to deal with four different  
21 levels of regulation know that the job that we do  
22 supports these children for the rest of their lives.  
23 We're teaching them fundamental ideas, fundamental  
24 rules and how to be a better person because that's what  
25 I want to do and that's what my members of staff do.

14:37

14:37

26  
27 Since the ECCE funding has come in, it's been great.  
28 We have regular money. It is fantastic. It's not a  
29 negative thing. But it's highly underpaid for the

1 services that we are giving back to the children.

2  
3 Over the last couple of years with a lot of these  
4 schemes we've found that the parents are actually  
5 becoming more hostile to us because of the spin on 14:38  
6 Government that it's all the providers that are putting  
7 their prices up. But they're not saying, they're not  
8 protecting us. The Government isn't saying that well  
9 actually their insurances, their bills are going up as  
10 well so with this ECCE money they have to cover that. 14:38  
11 I don't feel as if I'm being supported by Government  
12 and I've found that the only support that I have  
13 received is through the Big Start Campaign.

14  
15 I want to fight for my members of staff who've gone 14:38  
16 back, they've educated themselves to a higher level and  
17 we're all doing this so that we can be a better  
18 service. But it is getting to the point now where it's  
19 becoming unsustainable for a lot of the smaller  
20 services. I hate that my members of staff have to 14:39  
21 sign-on every summer time. It's very degrading.  
22 Sometimes they have to wait weeks to get paid any money  
23 and they still have to pay for their bills, their  
24 children's food. It's just more and more it's becoming  
25 even more hostile for us but it is something that we 14:39  
26 have chosen to do and we are very passionate about it  
27 but I don't think anybody is really listening to  
28 providers and they're not -- I don't feel, and the  
29 ladies here today don't feel as if the Government have

1 our backs at all.

2  
3 If you look at the statistics and if you look at the  
4 information that is behind this campaign you will see  
5 the benefits in the long run for the children and that 14:39  
6 is what I'm here for and that is what I believe in this  
7 campaign and I really hope that you will support us and  
8 help us. I don't know whether I need to say anymore.  
9 Thank you.

10 MS. CAREY: Hello, Councillors. My name is Susan Carey 14:40  
11 and I have a Montessori preschool in St. Peter's  
12 National School in Bray.

13  
14 when I started out my whole ethos was to guide children  
15 and to skill them for life, not just for the next role 14:40  
16 to go on to school.

17  
18 The ECCE Scheme came in in January 2009 and even though  
19 it is a very, very valuable asset to parents and to  
20 children, it has had severe repercussions on us as 14:40  
21 preschool teachers and leaders.

22  
23 My school is in a DEIS area and I have to say even  
24 though the scheme is absolutely really, really valuable  
25 and I'm seeing children that never ever would have been 14:41  
26 able to come to a preschool before are coming to my  
27 school which, for me, is absolutely wonderful. But for  
28 me when this came in I had a deficit of €12,500, which  
29 is a wage. I have two, myself and another employee and



1 there's a lot of bone of contention for the ECCE  
2 Scheme. One is the fact that if I'm sick I have to  
3 still go into work. I have to have a qualified person  
4 on a panel - which there was no panel - I would ring  
5 Wicklow Childcare Committee. There is absolutely no 14:41  
6 panel for us to ring somebody for us to bring in, they  
7 have to be garda vetted. So I have to go in, whether I  
8 am at death's door or my employees are sick, we go in  
9 to the preschool. If I don't go in and I have to close  
10 the school I actually have to owe that day back. We 14:42  
11 have all to do, all schools have to do 183 days a year,  
12 which is wonderful for the children but if I have to  
13 take a sick day or last year I had a child's parent who  
14 committed suicide, I couldn't close my school for that  
15 day for the respect of that child because I had nobody 14:42  
16 to come in. So what we are asking is, yes, bring in --  
17 it is such a valuable asset for parents, but bring in  
18 things for us that we have reliability. You keep  
19 bringing these policies in but you never ever ask us,  
20 on the ground, what is accessible; what is feasible for 14:42  
21 us to achieve?

22  
23 Parents come in now, unfortunately, with this whole  
24 attitude that it's free. I have a 15-year-old. I  
25 never got free doctor. I never got free ECCE Scheme 14:43  
26 and I brought my child into the world knowing I had to  
27 provide these for them. Parents have to be accountable  
28 as well.

29

1 I introduced -- we are allowed to ask for extra fees,  
2 only a certain amount, and I brought in a €300 extra  
3 fee for the year so that meant it was €7.50 a week.  
4 This €7.50 a week covers if we do outing activities, if  
5 we do somebody coming in to give children extra 14:43  
6 curriculum activities, but they're saying children  
7 don't have to get on board with this. We want to  
8 include every child in an inclusion policy but if a  
9 child does not come into this and get on board for this  
10 extra curriculum activity we have to leave that child 14:43  
11 out. How can any person leave a child, if you have 20  
12 children and leave a child in the corner. You can't do  
13 that. Plus, if we go out and a child is not going to  
14 do it, we have to actually have extra staff on board to  
15 stay with that child on our preschool premises. This 14:44  
16 is unsustainable. We just can't do this.

17  
18 A lot of our children are coming in and they have very,  
19 very different inabilities and we are supposed to, if  
20 we have two staff we are supposed to work with 11 14:44  
21 children each and keep going and keep doing policies  
22 and keep doing observations. This paperwork has to  
23 stop. It should be about what the children can achieve  
24 and what we can achieve with the children. Three hours  
25 in a three to five-year old's time is very, very 14:44  
26 valuable. But three hours of us sitting down having to  
27 do lots of paperwork while our children is there is not  
28 on and I refuse to do it. So then afterwards when I my  
29 children go I'm there for two hours every day working

1 to do these observations to do this policies, to do  
2 these implementations plans. I don't get paid for  
3 that. I don't get paid. I get paid 38 weeks a year.  
4 Nobody in their right mind would work for 38 weeks.  
5 And I can't go on the dole - which I don't want to - 14:45  
6 but we can't go on because we're supposed to be  
7 self-employed. The Government came in with absolutely  
8 no recognition of (1) what we do. You came in, you  
9 didn't ask us what our views were on it and we just had  
10 to go with it. But I'm please asking you now to value 14:45  
11 our children; our children are our future. But the  
12 providers who provide these children with that future  
13 need help. We need to be listened to. Okay. Thank  
14 you.

15 CATHAOIRLEACH: Thank you very much. Okay, Members. 14:45  
16 I'll open it to the Members. Cllr. Behan.

17 CLLR. BEHAN: Thank you, Cathaoirleach. First of all,  
18 I join with you, Cathaoirleach, and the rest of the  
19 Members in welcoming Sinéad, Shona and Susan and their  
20 colleagues who are here to do. I would like to thank 14:46  
21 the Members for giving them the opportunity to speak to  
22 us. A number of us, Cllr. Matthews, Cllr. Fortune, I  
23 think Deputy Doyle, a number of us went to a  
24 presentation some time ago where the issues that were  
25 articulated today were raised. And we undertook, at 14:46  
26 that stage, to come back to this body because you're  
27 looking for support right around the country and we  
28 submitted a motion and, Cathaoirleach, with your  
29 permission I would like to read out that motion and

1 propose it now in the context of this discussion. Is  
2 that okay?

3 CATHAOIRLEACH: That's absolutely okay.

4 CLLR. BEHAN: So the motions is, it's in the names of  
5 Cllr. Fortune and Cllr. Matthews and myself: That 14:46  
6 Members of Wicklow County Council are calling on the  
7 Minister for Children and Youth Affairs, Katherine  
8 Zappone, to increase investment in early childhood care  
9 and education to ensure that children have access to  
10 quality, sustainable and affordable childcare with 14:47  
11 decent pay and conditions for professionals in the  
12 sector.

13  
14 The Council recognises that early years educators are  
15 hugely dedicated professionals who care for and educate 14:47  
16 children during the most crucial years of their  
17 development. However, the Irish Government lags behind  
18 other European countries in terms of how much we invest  
19 in early years education. As a result, many qualified  
20 professionals are struggling to make ends meet and 14:47  
21 providers are struggling to stay open.

22  
23 So we call on Minister Zappone to put children first  
24 and invest in quality childcare and early years  
25 education. 14:47  
26

27 So I would like to propose that motion, Cathaoirleach,  
28 if that's okay.

29 CATHAOIRLEACH: Yeah. Do we have a seconder?

1 CLLR. BEHAN: And could I just add, I mean a lot has  
2 been said by the presentation and I couldn't say it any  
3 better, but just to make the point that the foundation  
4 of a person's life is laid in the first number of years  
5 of their life. And the early childhood years are the 14:48  
6 most important in determining how a child and their  
7 life will progress later on. I think that's a very  
8 well essential point.

9  
10 Another point is that we should value the people who 14:48  
11 are providing this education by ensuring that they are  
12 well rewarded and remunerated for their work. But we  
13 must also remember, and this is vital and I think it  
14 came across very well here today, the people who are  
15 providing the service, the people who are providing the 14:48  
16 schools, the early years education facilities, they  
17 have been totally and utterly neglected by the  
18 Government and effectively used and abused by the  
19 Government to provide a service without getting the  
20 resources to actually do so. It's been outlined very, 14:48  
21 very clearly today how the Government has effectively  
22 handed over a burden, if you look, to providers, and  
23 given them no resources to actually get on and provide  
24 the work. And it's very, very important, in all  
25 discussions about early childhood years and early 14:48  
26 childhood provision that the providers are mentioned  
27 and considered always in any discussion on that  
28 subject. Thank you, Cathaoirleach.

29 CATHAOIRLEACH: Just before I go on to Cllr. Fortune,

1           that motion by Cllr. Behan is that agreed by the  
2           Members?  
3           FROM THE FLOOR: Agreed.  
4           CATHAOIRLEACH: Agreed, yeah.  
5           MS. GALLAGHER: Thank you. 14:49  
6           CATHAOIRLEACH: Cllr. Fortune.  
7           CLLR. FORTUNE: Thanks, Cathaoirleach. Again, I'd like  
8           to thank Shona and Sinéad and Susan for your  
9           presentation. And as Cllr. Behan has said, we attended  
10          your meeting in Bray and I must say ye explained 14:49  
11          everything very articulate, very well. Rather than  
12          repeating, obviously I'm supporting and seconding the  
13          motion, but rather than repeating what Cllr. Behan has  
14          said, just a couple of points I'd make. I think this  
15          is a very, very important section area of education. I 14:49  
16          think every child deserves equal opportunity and this  
17          is a way of making sure that all children can get equal  
18          opportunity. So I think, that's why I think all the  
19          Members here would support what you're trying to do.  
20          And again, the point that Cllr. Behan made that we've 14:49  
21          also got to value the work that's been done by  
22          yourselves, the providers. And really what should  
23          happen here, in my view, is that the education that  
24          your providing should be properly recognised and should  
25          formally become part of what we call "the education 14:50  
26          system", because it would appear that it's like hanging  
27          on the window ledge and looking in the window. So I  
28          think we need to change that. So I think that would be  
29          very important. And that, I think, would then help

1 probably the rates of pay that you and your members  
2 would get paid. But I just think from the point of  
3 view of a child, which is what you're all really  
4 interested in, in, and Sinéad, like, was very  
5 passionate about what she's doing and you in what 14:50  
6 you're doing in your area. I just think that it's a  
7 no-brainer and obviously there's 27 members here today  
8 who are saying, yes, we fully support you and what  
9 we've got to do now is make sure that those words are  
10 put into some form of action. 14:50

11  
12 So well done and thanks for giving your presentation.  
13 CATHAOIRLEACH: Cllr. Whitmore.

14 CLLR. WHITMORE: Thanks very much, Chair, and thanks  
15 Shona, Sinéad and Susan, it was a very good 14:51  
16 presentation and I think you really got across the  
17 message that I certainly have been hearing over the  
18 last couple of weeks.

19  
20 I think there has been reports in the media about the 14:51  
21 introduction of the Affordable Childcare Scheme that  
22 some childcare providers were upping the freeze that  
23 would go along with that. And I actually went out and  
24 did a consultation with parents, but actually the  
25 people I heard from were the providers and similar to 14:51  
26 what you're saying today the frustration and I suppose  
27 the desperation that I was hearing back from the  
28 providers, it was very, very strong. Like people  
29 really feel isolated and I suppose essentially the

1 burden of the implementation of this programme has  
2 really, really fallen to the childcare providers and  
3 you're not being resourced to deal with it.

4  
5 Like coming out with an affordable childcare scheme, 14:51  
6 absolutely, it's a great idea and for parents who  
7 struggle, you know, week-to-week to pay for really,  
8 really high childcare costs, you know, obviously they  
9 were going to welcome it but the difficulty is that the  
10 Government doesn't fund this service enough. So the 14:52  
11 pressures were really placed on yourselves and I think  
12 it's very important that the implementation of all this  
13 stuff and the Government's policies doesn't pit parent  
14 against provider because ultimately we all want, you  
15 know, we recognise that, you know, our children need to 14:52  
16 be in a safe, nurturing environment when they're in  
17 childcare. So that, that's ultimately what we want.  
18 We're going to have to work together to ensure that as  
19 parents and providers. Really the Government will have  
20 to start taking this sector seriously and start 14:52  
21 investing in it fully. Because as you said, it's 0.5%  
22 of GDP at the moment that we're putting into this and  
23 the standard is 1. Well, you look to other countries  
24 in Scandinavia they put up to 1.8% of their GDP into  
25 childcare and early childhood education because they 14:53  
26 recognise the value of it. So I think, I mean,  
27 interestingly when I spoke to the providers this  
28 scheme, like the contracts - and I don't know whether  
29 this was mentioned - but the contracts to the providers



1 for implementing this scheme, they will not receive  
2 them until October. So these crèches are expected to  
3 sign kids up and start subsidising their fees and they  
4 don't even know what's going to be in these contracts.  
5 Now they have a fair idea but they still haven't  
6 actually had sight of them.

14:53

7  
8 For each child there's an application form that needs  
9 to be filled in and that takes a lot of time and  
10 there's an administrative burden on the crèches for  
11 this. I suppose the comparison that I was thinking of  
12 was when the GPs had to roll out the under 6 care it  
13 wasn't your GP sitting down with you and filling the  
14 form in and then inputting it into a computer and  
15 making sure that it was all okay. The parent had to  
16 deal directly with the HSE and register that. So I  
17 mean the fact that the application burden has been put  
18 on to the providers I don't think is acceptable.

14:53

14:54

19  
20 So I absolutely support what you're doing. I think,  
21 you know, most parents do recognise, because we hand  
22 our kids over to you and we see how much you care for  
23 them and we know the stresses that you are under as  
24 well, so I think most parents do recognise that you  
25 have been put in a very, very difficult position and I  
26 support the motion that Cllr. Behan and Fortune have  
27 put forward. Thank you.

14:54

14:54

28 CATHAOIRLEACH: Cllr. O'Connor.

29 CLLR. O'CONNOR: Thanks, Cathaoirleach. Thanks very

1 much for the presentation which was excellent and we in  
2 Sinn Féin stand fully behind your efforts in this  
3 regard.

4  
5 I think we act as if we're somewhat surprised by the 14:54  
6 abdication of its responsibilities by this State in the  
7 area of childcare. Since the State was founded, when  
8 the State was founded, they handed over our most  
9 vulnerable citizens to the "care" of religious bodies  
10 who proceeded, for the following decades, to abuse 14:55  
11 those children and to profit from the labour of those  
12 children.

13  
14 when that became unacceptable the State decided that it  
15 would hand over the responsibility for minding our 14:55  
16 children to private organisations. They haven't funded  
17 these private organisations properly. They expect  
18 these organisations to carry out work as if they were  
19 charities, like they had in the good times when the  
20 religious orders could do it for nothing. And it 14:55  
21 hasn't worked out and there's absolutely no surprise  
22 there. we're taking, as I said, the most vulnerable  
23 citizens, our children in this State and we're doing  
24 absolutely nothing for them. It's about time that this  
25 State started to realise, as it is supposed to be a 14:55  
26 modern European economy, that children are important  
27 and that the State gets involved by either providing  
28 the childcare itself directly, or if that's not  
29 something that can be done, by adequately resourcing

1 the service providers in private industry.

2  
3 we stand absolutely behind you in this initiative.  
4 It's very, very important. It cannot be  
5 over-emphasised, as far as I'm concerned, how important 14:56  
6 this issue is and how important childcare is. It's  
7 about time we started getting our act together in this  
8 State and doing something for children. So thanks a  
9 million for your presentation, lads.

10 CATHAOIRLEACH: Cllr. Snell. 14:56

11 CLLR. SNELL: Thanks, Cathaoirleach. Again, thanks to  
12 Shona, Sinéad and Susan for coming in and giving your  
13 presentation here today. I was happy to support it  
14 through the Protocol Committee that the group come in  
15 here today. I think there's nobody in the Chambers who 14:56  
16 would disagree with the picture you painted. It's a  
17 tough industry and certainly you are not getting the  
18 support that you need in regards the self-employed  
19 business people, providers has been referred to, but  
20 also to your staff and the employees that work in the 14:57  
21 industry and some of which are up in the public gallery  
22 here today. It must be horrendous to know that at some  
23 stage during the course of the year that your employees  
24 will have to present to social welfare. I think, you  
25 know, the industry needs to sit up and be listened to. 14:57  
26 while everyone in this Chamber here today supports this  
27 motion, a very good motion that's been put forward here  
28 today. I would like to see a copy of this,  
29 Cathaoirleach, being sent to the five TDs for County

1 wicklow and I would suggest to the group that perhaps  
2 if this could happen throughout the State that all the  
3 TDs give a commitment to move this because while we can  
4 say what we want here, our voices would won't be heard  
5 in Dáil Éireann. This will go to the Minister's 14:57  
6 Department but at the end of the day we need our TDs to  
7 get behind this campaign and to support you and support  
8 your industry. It's a vital sector and I just want to  
9 wish you the very, very best of luck with it and I'm  
10 sure that we'll keep in touch in regards to going 14:58  
11 forward. But I would like to see the five TDs for  
12 County Wicklow row in behind this campaign, the same as  
13 the 32 Councillors. Thank you.

14 CATHAOIRLEACH: Cllr. Kavanagh.

15 CLLR. KAVANAGH: Thank you, Cathaoirleach. I'm very 14:58  
16 familiar with this industry so I'm delighted to see it  
17 being highlighted here today. So thanks very much to  
18 Shona, Sinéad and Susan for your presentation.

19  
20 As I said, family members have been involved in this 14:58  
21 industry for a long, long time and I understand exactly  
22 where you're coming from. The pay is very low. It's  
23 highly regulated and I remember one time being told  
24 that it actually was becoming so onerous that you would  
25 nearly have to employ someone just to do the 14:58  
26 paperwork. That's not feasible because you're not  
27 making any money, so, therefore, the providers have to  
28 do that themselves. They often, as I think Shona  
29 indicated, they don't even get a living wage out of it

1 themselves, having to put all their overheads and their  
2 own staff costs ahead of themselves and then when push  
3 comes to shove they can't even say, when they're  
4 unemployed for those couple of months, they're the ones  
5 who actually can't benefit even from social welfare.

14:59

6  
7 I know that the standard of education is very high.  
8 You require at least a Grade 6 to be present at all  
9 times; that equates to degree level on the national  
10 framework. We're asking people with a degree, a  
11 bachelor's degree to work for €10.25 an hour and that  
12 would probably be at the upper end of the scale. In  
13 actual fact a lot of them would be working for not much  
14 more than the minimum wage which I think is currently  
15 about €9.25 an hour. I think it's an absolute disgrace  
16 and I think the fact that it's predominantly women  
17 working in this industry. At the moment I think women  
18 are earning on average around 65% of male earnings and  
19 I think if this particular industry wasn't so top heavy  
20 with women we would possibly see a different set up  
21 because I don't think we would be expecting male  
22 graduates to work for the minimum wage and yet  
23 the Government is getting away with it because they  
24 don't perceive that the women out there involved in  
25 this industry have much bargaining power. So I would  
26 like to support you and I would like to support  
27 Cllr. Behan and Cllr. Fortune's motion and I wish you  
28 the very best of luck with it. Thank you.  
29 CATHAOIRLEACH: Thank you. Cllr. O'Brien.

14:59

15:00

15:00

15:00

1           CLLR. O'BRIEN: In my opinion, this is the most  
2           important matter we've ever discussed in this house. I  
3           have always felt if you treat your children equally and  
4           get them looked after properly, that if a child wants  
5           to play tennis he can go to a tennis club; if he wants 15:01  
6           to play any kind of music he wants to go. We have to  
7           create the opportunity for children. And if you create  
8           the opportunity for children, if we just focus on that  
9           and get that right we wouldn't have any boom or bust or  
10          any problems of inequality in society. It's the 15:01  
11          children we need to get right. Cllr. Behan suggested a  
12          motion that in my view is not practical enough. What I  
13          would like to see done is, you mentioned there the 38  
14          weeks and you mentioned you've to go on the dole for  
15          the other and you've to go chasing after that. Well I 15:01  
16          would suggest that that money that you have to go  
17          chasing after, as a start, be the money to be put  
18          straight in on your salary. Whatever mechanism they  
19          put in place there, that they put that mechanism in  
20          place that when you're drawing the dole for whatever 15:01  
21          number of weeks, that that be put in on top and there's  
22          no dole, that what you're doing is considered a salary.  
23          And if you're working for 38 weeks, that that's paid  
24          out over the whole year as your salary and that the  
25          top-up is done on that. 15:01

26  
27          You'd often wonder why has this happened? There's an  
28          old seanfhocail that says a'n t-ualach is mó ar an  
29          gcapall is míne" and what that means is, the heaviest

1 load goes on the most willing horse. And that's what  
2 happened in Ireland, it's happened since the foundation  
3 of the State. All you guys are not in that for money.  
4 I went teaching myself for 30 years. I didn't get into  
5 it for the money, I got into it because of the 15:02  
6 importance of children and I saw children abused and I  
7 was abused myself as a child so I know what I'm talking  
8 about when you're talking about the thing. And this is  
9 a thing we have got to get right. We have got to start  
10 focusing and making sure that children are looked after 15:02  
11 properly. Children's lives happen so fast; they happen  
12 in a few years. And the system we are working at the  
13 moment, if you have a problem you've to go to a social  
14 worker, then it passes onto someone else and then it  
15 passes on to someone else and suddenly you find the 15:02  
16 child has committed suicide or something as serious.  
17 We need to do something practical now and the first  
18 thing you need is proper funding. You're struggling  
19 just to put bread on the table with the thing you're  
20 doing. You're struggling now because they've dumped 15:02  
21 paperwork on you. Nobody has ever proved if there's  
22 any benefit of this paperwork you've been doing. And  
23 I've often heard -- I've been here since I started on  
24 this Council, people ranted and attacked me over I was  
25 saying there was too much administration, saying there 15:02  
26 was too much paperwork, saying a lot of other good work  
27 could be done if we had less paperwork for you. I  
28 think that's what you need, you need less paperwork.  
29 You need people to trust you and that you're committed

1 to what you're doing and not be haranguing you on doing  
2 this and taking tax on this.

3  
4 so my first practical suggestion is that we look at it  
5 in relation to the dole and that that money 15:03  
6 straightaway be put in. And that the next thing we do  
7 is get on to our five TDs because they're the guys in  
8 the Government, they're the guys that can do it there  
9 and let them get something sorted out, come back with a  
10 proper budget that you guys need to deal with your 15:03  
11 problem. That's what we need, we need a practical  
12 budget. I hope we're not going to have the same status  
13 quo, which we've had for the past three years here,  
14 that somebody is going to do something and get the  
15 proper money to you guys and let's get the children -- 15:03  
16 now look, this is the wealthiest country in the world.  
17 I don't believe anything collapsed here. I believe the  
18 banks fecked up and they did their paperwork wrong. I  
19 believe we are the wealthiest country in the world and  
20 I still believe that and still we can't look after our 15:03  
21 children. We can do it. And to this day, like every  
22 Councillor, none of us would accept to be waiting on  
23 waiting lists or to put in, you know what I mean, that  
24 all these things happen to children. I think we have  
25 to start standing up now and start doing something 15:03  
26 practical and let's get something done. Tomorrow.  
27 Because I remember somebody said, good things take a  
28 long time but great things happen overnight. And  
29 that's what we need for you, I think, honestly. You



1 guys need to go out in the morning knowing you are in a  
2 better situation, not that it is just passed off to  
3 minister so and so by letter and here's to six months  
4 not doing something. It's a disgrace.

15:04

5  
6 So I'm proposing that, and I hope Cllr. Behan will  
7 accept that as a practical thing to put into your  
8 motion.

9 CATHAOIRLEACH: Cllr. Thornhill.

10 CLLR. THORNHILL: Cathaoirleach, go raibh maith agat.  
11 Ba mhaith liom fáilte mór a chur ar Shona, Sinéad agus  
12 Susan agus a chairde. I would like to welcome Shona,  
13 Sinéad and Susan and their friends to speak on this  
14 important subject.

15:04

15  
16 I would just like to start, just like what  
17 Cllr. O'Brien was speaking out, I also, when I saw this  
18 on the agenda, would like to say, one of the most  
19 important items that I have seen since I have become a  
20 member of this Council.

15:04

15:04

21  
22 You know, the thing about -- and I will also refer now  
23 to two seanfhocails and it would tie in with this  
24 matter "Tús maith, leath na hoibre"; a good start after  
25 work. "Mól an óige agus tiocfaidh siad"; praise the  
26 young and they will blossom. Well, everyone, I've had  
27 the experience of working 30 years in the Garda  
28 Síochána and I know that, you know, and I have seen  
29 people coming through the system and a lot of problems

15:05

1 have stemmed from their early years and I know that the  
2 youngsters, their first five years, their formative  
3 years is so important. I mean there's no doubt about  
4 it, if you set the foundation and do it properly, I  
5 mean all the money in the world that can be spent but 15:05  
6 if it's the spent properly at the start, you create a  
7 great foundation.

8  
9 The providers, I think that they should be very looked  
10 after, they should be looked after because, after all, 15:05  
11 they're providing the service and they should be  
12 appreciated. I mean like, the thing about it is, the  
13 future of the country lies in these children and look,  
14 it can't be underestimated because I mean if you, if  
15 the youngsters grow properly and at the start they will 15:06  
16 develop. I mean like, that is what has happened this  
17 country, you know. I mean Ireland hasn't a great  
18 record for looking after its youth and I think that  
19 some countries, and one that comes to mind would be  
20 Finland - I'm sure there's other countries. But we 15:06  
21 should start with our youth, very important.

22  
23 You know, like, we should really look after our  
24 children and I mean they are the future.

25 15:06  
26 Now one other thing I would just like to say, I mean  
27 it's very important to have education and early  
28 education but we must also remember and I know that -  
29 I've had the experience recently having just lost my

1 own mother, you know, it brings to mind, you know, I  
2 mean, the phrase and we shouldn't forget the mothers of  
3 the world as well, like, the person that rocks the  
4 cradle rules the world. So, in tandem with everything,  
5 I mean we should all be pulling together. 15:07

6  
7 I must also congratulate Cllr. Behan and Cllr. Fortune,  
8 I mean this is a subject that we should really push for  
9 the future. And as Cllr. O'Brien said, we speak about  
10 money, or whatever, but our greatest asset is in our 15:07  
11 youth. I wish ye the best of luck and I will be one  
12 hundred percent behind you. Go raibh míle a maith  
13 agat.

14 CATHAOIRLEACH: Cllr. Vance.

15 CLLR. VANCE: Thank you, Chairman. I'd also like also 15:07  
16 to welcome, Shona, Sinéad and Susan here today. I'm a  
17 bit disappointed that Sinn Féin, Cllr. O'Connor, chose  
18 this occasion to have a go at the religious in this  
19 country in regards to the education they provided,  
20 because there's an awful lot of people in this country 15:07  
21 that have benefited very significantly from that and I  
22 think that should also be recognised. Not every  
23 religious person in the country abused people and I  
24 don't think it's an occasion for that because I think  
25 it's a very, very important item that we have for 15:08  
26 discussion here today, and it's one of the more  
27 important items that we will probably ever have in this  
28 Chamber for the simple reason is that I'm a firm  
29 believer that for every pound or euro that's spent in

1 education it comes back tenfold in twentyfold in regard  
2 to later years.

3  
4 I'm also well aware that early education is so vitally  
5 important as well and is something that didn't happen 15:08  
6 for a very long time but it's been very, very effective  
7 at the moment and certainly from my point of view it is  
8 so, so very vitally important it's probably the main  
9 financial, you know, incentive that we should be given  
10 is into education because it is education in this 15:08  
11 country that sets up the future generations and every  
12 penny spent on it is very well spent.

13  
14 Just compliment the three ladies for the provision of  
15 their facilities, certainly in Bray anyway because I'm 15:09  
16 well aware, my three grandchildren, or two of them are  
17 going through the system at the moment and I'm well  
18 aware of the type of provision and the excellent  
19 provision that is provided for them. So certainly I'm  
20 well aware of the facilities and certainly I'm very, 15:09  
21 very supportive of anything now and into the future in  
22 regard to this. Thank you.

23 CATHAOIRLEACH: Cllr. Winters.

24 CLLR. WINTERS: Thanks, Cathaoirleach. I would just  
25 like to thank the three girls for their presentation 15:09  
26 and just say that I'm somewhat surprised that everybody  
27 is so against the measures. There are 33,000 extra  
28 families receiving childcare care support because of  
29 this new childcare subsidy, than there was previously

1 and it's certainly not without its problems. It was  
2 originally intended that the parents would go online  
3 and register themselves. They admitted, several  
4 moments ago, that the IT portal wasn't up to speed and  
5 that initially the childcare providers would have to do 15:10  
6 the registrations but that they would ultimately have a  
7 parents' portal so that this would not be the ongoing  
8 practice.

9  
10 All children aged from six months to three years are 15:10  
11 going to qualify for it. It's interesting to hear one  
12 of the speakers say that there are children who are  
13 availing of this who have never availed of childcare  
14 before and preschool and that is a fantastic thing.  
15 Yeah, maybe it's not perfect but it's certainly not, as 15:10  
16 Cllr. O'Connor seems to suggest, that it's been thrown  
17 over to and left to people. I would not equate  
18 Tulsa-registered childcare providers in any way with  
19 the type of childcare that was provided in decades ago  
20 and I think that's a terrible association to even 15:11  
21 compare the two. I think things are so completely  
22 different now and the State are looking, that it's not  
23 just to anybody that the money is given to, but it is  
24 to registered childcare providers who meet the required  
25 standard to make sure that the provision of care given 15:11  
26 to the children is of the top quality. I really think  
27 he should withdraw those remarks to say that it's  
28 somewhat similar to what happened in this country  
29 before. It completely is not. And I welcome the fact

1 that there is a child care subsidy. It still has  
2 ironing out problems. Yes, it is an industry that is  
3 beset with poor wages and low wages, like the tourism  
4 industry, like the travel industry. There's lot of  
5 industries that have low wages. And I suppose part of 15:11  
6 that comes down to the fact that some parents, you  
7 know, have always historically had reasonably  
8 inexpensive childcare so it is a whole, it's about how  
9 much you value your own children and the level of care  
10 that they get and the numbers of children you want per 15:12  
11 child minder and all of rest of it. But this is a step  
12 and a provision that wasn't there before. It has  
13 created additional preschool places for people who  
14 would never have availed of them before and I think it  
15 is to be welcomed. There are certainly issues that 15:12  
16 have to be addressed but it is not a bad thing to  
17 provide preschool childcare to children who never had  
18 it before. Thank you.

19 CATHAOIRLEACH: Cllr. Fox.

20 CLLR. FOX: Thank you, Chairman. I'll be brief because 15:12  
21 most of it has been said already. Just to thank the  
22 delegation for coming in. It gives me a better  
23 understanding of the problems that you face and the  
24 problems with the scheme itself. I, too, would like to  
25 thank Cllr. Behan, Fortune and Matthews for putting 15:12  
26 down the motion. However, you know, I don't really  
27 like motions that just call on a minister to do  
28 something. I think we need -- this is too serious an  
29 issue just to sort of call on it, or make a statement

1 on it. I think we should take it further, perhaps  
2 Cllr. Behan or Cllr. Fortune, or a delegation from this  
3 Chamber should try and take this issue on to the next  
4 step whether that's seeking a meeting with the  
5 Department or the Minister, seeking a meeting with our 15:13  
6 TDs. I think it shouldn't just stop here where we all  
7 have our stay and then nothing really happens.

8  
9 So certainly I would like to thank Cllr. Behan, Fortune  
10 and Matthews for the motion but I would like to see it 15:13  
11 taken on to the next level. Thank you, Chairman.

12 CATHAOIRLEACH: If anyone has any proposals in that  
13 respect you are certainly welcome to make them.

14 Cllr. O'Neill.

15 CLLR. O'NEILL: Again, like Christopher, I'll be very 15:14  
16 brief on it. I'd like to thank the three girls for  
17 their presentation and the eye-opener it is. It makes  
18 my blood boil, you know. In this motion from  
19 Cllr. Behan and Fortune and Matthews is to ask the  
20 Minister to increase investment and the first thing 15:14  
21 we're told then there's no money here, there's no money  
22 there. But just listening to you there earlier on and  
23 talking about the Minister. She lives down a couple of  
24 mile from me on the Dublin/Wicklow border and her  
25 journey to Leinster House is 17 kilometres and if 15:14  
26 you're under 25 kilometres from Dáil Éireann you're  
27 entitled to €5,000 per year expenses. And the same  
28 woman does a rigmarole because the of bad roads, or  
29 whatever, the potholes and adds another 8 kilometres on

1 to it to claim €25,000 and that's the kind of rampant  
2 stuff that we have day in and day out. I know exactly  
3 where you're coming out, you know how poorly -- as a  
4 County Councillor, I might add, you know, on 16,500 a  
5 year, I know where you're coming from. I do want to  
6 endorse what my Sinn Féin colleagues Snell and O'Brien  
7 is saying there, that there must be investment. I'd  
8 fully support the amendment to the motion by  
9 Cllr. O'Brien.

15:15

10  
11 Again, I wish you the best of luck there and fair  
12 play to you. And I do know where you're coming from,  
13 it's a struggle. It's where money should be put in at  
14 the beginning, in for young people, you know from  
15 toddlers up that's where the investment and every  
16 encouragement should be given to you instead of  
17 hindrance.

15:15

18 CATHAOIRLEACH: Cllr. O'Connor.

19 CLLR. O'CONNOR: Thanks, Cathaoirleach. Just to say to  
20 Cllr. Winters, that's not, indeed, what I was  
21 suggesting at all. Of course there have been  
22 improvements but it's not good enough. So no, I won't  
23 be pay apologising for it, but thanks for the  
24 invitation.

15:16

25 CATHAOIRLEACH: Okay. Thanks, members. Thank you very  
26 much for speaking to us.

15:16

27 CLLR. O'NEILL: Can I just add to that, Cathaoirleach  
28 --

29 CATHAOIRLEACH: Excuse me, Cllr. O'Brien had an



1 amendment.

2 MS. GALLAGHER: Cllr. O'Brien has proposed an amendment  
3 that the wages be increased immediately by the amount  
4 that would be got by being on employment benefit for 14  
5 weeks. 15:16

6 CLLR. WINTERS: I can't hear that.

7 CLLR. MCLOUGHLIN: I can't hear you.

8 MS. GALLAGHER: Will you turn on the mic,  
9 Cathaoirleach. That the wages be increased immediately  
10 by the amount that would be got by being on unemployed 15:17  
11 benefit for 14 weeks. That's proposed by  
12 Cllr. O'Brien. Is it seconded? Cllr. O'Neill. Is  
13 that agreed?

14 CLLR. O'CONNOR: I don't know what that means.

15 CATHAOIRLEACH: Cllr. Behan. 15:17

16 CLLR. BEHAN: I think it's very welcome that there's  
17 unanimous support around the Chamber for the proposal.  
18 And I agree with Cllr. O'Brien and who else said it,  
19 Cllr. Fox said it as well, we need to do more and we  
20 need to try and get practical improvements. But I 15:17  
21 would think it would be important for one of the  
22 speakers maybe to address, if there's time, that point  
23 about what Cllr. O'Brien has suggested. And the other  
24 point that Cllr. Fox made, I think I'm right in saying  
25 this is a campaign that's going around the whole 15:17  
26 country not just in Wicklow. So we're playing our  
27 part, if you like, by feeding in and saying that we  
28 support you but perhaps Shona might like to say a bit  
29 more on that as well, Cathaoirleach. Thank you.

1 MS. BYRNE: I would just like to thank everybody, first  
2 of all, for all of your support and everybody is  
3 supporting the idea of proper investment in early years  
4 education and is supporting the motion.

5  
6 we've had previous presentations at other Councils in  
7 South Dublin and Cavan and the motion that we've been  
8 using has sort of been standard across the country and  
9 it's been supported by all parties, cross-party support  
10 on all of the votes. And the idea of having the motion 15:18  
11 passed is that yes, as the Councillor suggested, it's  
12 not just that the motion is debated, passed and then  
13 nothing happens; we do ask that the Council would  
14 follow up with practical steps. And the steps  
15 suggested today, such as a delegation to meet either 15:18  
16 the five TDs or to meet the Minister would be very  
17 welcome and we can work with the Councillors to do  
18 something like that.

19  
20 In terms of the proposed amendment, the wages would 15:18  
21 need to be increased but I suppose workers would be on  
22 different wages and I don't know how the practicalities  
23 of implementing that step. It would need some things  
24 -- because it would first of all it would change the  
25 motion from the other motions that have passed across 15:19  
26 the country and, secondly, it would need to be  
27 something that, I suppose, SIPTU and the activists  
28 across the country would need to talk about in terms of  
29 a campaign aim. It's not just us here today that's

1 involved in the campaign, there's other organisations,  
2 we have a national coalition. So I think it would be,  
3 if the motion as it was could be supported and then  
4 maybe we could agree afterwards practical steps to take  
5 forward. Like if we're going to be meeting, for 15:19  
6 example, the five TDs, that we'd have clear campaign  
7 aims, including things like additional funding and  
8 looking at the social welfare level and things like  
9 that. But I don't think it's something that we could  
10 decide here today, without having discussed it with the 15:19  
11 people in SIPTU.

12 CATHAOIRLEACH: Cllr. O'Brien, would you like to come  
13 back there?

14 CLLR. O'BRIEN: Yeah, just quickly. I was hoping that  
15 that point or that amendment that I put forward, maybe 15:19  
16 when you meet with the Ministers and meet with the  
17 group, if that point could be brought up there?

18 CATHAOIRLEACH: Is that agreed with everyone?

19 FROM THE FLOOR: Yeah.

20 CATHAOIRLEACH: Thank you. Thank you, very much. 15:20

21 Continuing on the agenda. Item 13: To discuss  
22 Objective CCE6 of the Wicklow County Development Plan  
23 2016-2022. This ties in with Notice of Motion No. 5,  
24 which I take it that we're dealing with simultaneously.  
25 Cllr. Fox. 15:20

26 CLLR. FOX: Well, I'm not the proposer of the motion  
27 but just on the general point. I find it's  
28 disappointing to read that the Members are not entitled  
29 to instigate a variation following the amendment of the

1 section 140 legislation. I know previously this  
2 Chamber and the Council did grant or direct the manager  
3 to grant planning permissions under the Section 140 and  
4 that had been amended, that we could no longer carry  
5 out that function. And I'm disappointed to learn that 15:21  
6 it goes further than that and that we are no longer in  
7 a position to direct to have a variation of a County  
8 Development Plan. So certainly it's disappointing.  
9 Thank you, Chairman.

10 CATHAOIRLEACH: Thanks. Cllr. Behan. 15:21

11 CLLR. BEHAN: well, Chairman, here we are again, you  
12 know, being frustrated really, I'm not saying  
13 necessarily by the Acting Manager, but being frustrated  
14 by Central Government in carrying out our functions to  
15 represent people locally. 15:22

16  
17 This motion arose as a result of the instruction by the  
18 last Minister for the Environment and Local Government  
19 to take out a democratically decided resolution as part  
20 of our Development Plan Review process. Effectively 15:22  
21 what he said was, well this is the Councillors' plan,  
22 except the bits that I don't want or that the  
23 Government don't want and it makes a mockery, a  
24 complete mockery of Local Government and reduces  
25 Councillors then to a completely powerless position to 15:22  
26 represent the interests of local people where we see  
27 those interests need to be represented.

28  
29 So the issue, I think, there isn't a disagreement about

1 the issue of the distance from the, you know, the tip  
2 height and so on, because we actually passed that  
3 democratically during the County Development Plan  
4 Review process.

5  
6 what prompted the renewal of this particular motion was  
7 the fact that we understood - and certainly I  
8 understood - that a public representative in another  
9 county, namely County Donegal, I think he is now  
10 currently the Chairman of Donegal County Council, he  
11 may not have been when he actually undertook this  
12 action but he went to court on this. And in fact he  
13 won his case, and the Judge set aside the decision of  
14 the Minister for the Environment to take that  
15 proceedings out of the plan in Donegal because they had  
16 a very similar motion in their plan. I think it was  
17 done on the basis that the Minister hadn't clarified  
18 his guidelines at the time and I'm not sure actually  
19 that this Minister has clarified the guidelines either.

20  
21 So I would subject that effectively we should be in the  
22 same position as Donegal County Council with regard to  
23 this matter.

24  
25 Now we have, you know, a very what would you call it,  
26 very cut and dried legal opinion here provided by  
27 somebody called Patrick A. Butler. No indication about  
28 what expertise this particular person has, what  
29 experience this person has in these matters and at the

1 very least I think we owe the people of this county, at  
2 the very least we owe them a decision here to get a  
3 second opinion on this advice, or on this matter. We  
4 also need, I think, to establish exactly from the Law  
5 Agent what was decided in the court case in Dublin when 15:24  
6 the Donegal County Development Plan, it was agreed that  
7 they could actually put in this particular variation.  
8

9 On the question of being allowed or not being allowed  
10 to propose a variation, again that's very, very 15:24  
11 disappointing as Cllr. Fox has said. But I have to  
12 say, there are people sitting around the Chamber here  
13 today who really should be putting in pressure on their  
14 senior party colleagues who are making these decisions  
15 in Dáil Éireann, to effectively take away the power of 15:25  
16 local public representatives to do our job. Because  
17 it's okay saying it here and saying you're in favour of  
18 this local democracy and you're against having these  
19 turbines so close to people's houses, but yet the  
20 national public representatives are firing ahead anyway 15:25  
21 and denying us the opportunity to represent our people.  
22

23 So going to a public meeting and saying you're  
24 supporting them but at the same time at the back door  
25 saying to the Minister: 'Fire away, don't give the 15:25  
26 Councillors the power to change it', that's complete  
27 hypocrisy as far as I'm concerned. So people who have  
28 influence should actually be exerting their influence  
29 to change the law if it is the law. I'd like a second

1 opinion on that and I don't blame the officials for  
2 putting forward their point of view on it but I do  
3 think we, at the very least, should get a second  
4 opinion. But the national public representatives have  
5 a role to play in this as well, Cathaoirleach. Thank  
6 you. 15:26

7 CATHAOIRLEACH: Cllr. McDonald.

8 CLLR. McDONALD: Thank you, Cathaoirleach. Just  
9 firstly I just want to say that we were all pleasantly  
10 made aware that Wicklow County Council had, for the 15:26  
11 second time, refused planning permission for this  
12 development in the Aughrim area.

13  
14 Secondly, I would agree and I support Cllr. Behan's  
15 call for a second opinion on this but I think we need 15:26  
16 to go a bit further at this stage. We have a proposal  
17 that we'd like to put on -- well, there's two things  
18 actually we could do. One, I think as a Council group  
19 we should be calling on the Government and letting them  
20 know that we don't approve of anybody, any bodies in 15:26  
21 the country working without regulation and without  
22 legislation. That it's something that needs to be made  
23 a priority at this present time because of the influx  
24 of these types of developments.

25 15:26  
26 We would look to call for a moratorium on all planning  
27 applications around wind farms until such time that  
28 proper legislation and regulations are in place. And  
29 secondly, we would propose that we, as a body, review

1 the development levies in this particular sector and to  
2 put them to such a level that it's unsustainable for  
3 developers to actually submit planning applications.  
4 We certainly should could look at this again when the  
5 regulation or the legislation in in place but today we 15:27  
6 would look for support on that proposal. I can give  
7 you it to you, Lorraine, if you want to read it out.  
8 MS. GALLAGHER: Yes, thank you. Okay. A proposal from  
9 Cllr. McDonald. We propose that we review the  
10 development levies to have a standalone levy on all new 15:27  
11 wind farms.  
12 FROM THE FLOOR: Mic.  
13 MS. GALLAGHER: We propose that we review the  
14 development levies to have a standalone levy on all new  
15 wind farms until such time the Government introduces 15:28  
16 legislation. Is that proposed by Cllr. McDonald and  
17 seconded by Cllr. Lawless, is it? Seconded by  
18 Cllr. Lawless.  
19 CATHAOIRLEACH: Cllr. Cullen.  
20 CLLR. SHAY CULLEN: Thanks, Chairman. As previous 15:28  
21 speaks have said, I suppose there's a certain amount of  
22 frustration from what the legal opinion seems to be.  
23 Obviously Members don't seem to be able to trigger a  
24 variation of the County Development Plan under the  
25 Planning and Development Act. And also it seems that 15:28  
26 we're not in a position to direct the Chief Executive  
27 to carry out an Executive function under the Planning  
28 Act 2000.  
29



1 I suppose this has arisen, as has been said earlier,  
2 from a situation in Donegal where it seems that a  
3 Donegal County Councillor was able to win a case or did  
4 win a case to have a distance set back from residential  
5 homes and other forms of human habitation to, you know, 15:29  
6 protect people's livelihoods and their living  
7 conditions. I suppose the question was asked before  
8 and I will ask it again: what is the difference in  
9 Donegal bringing in a distance and Wicklow bringing in  
10 a distance? I mean at the end of the day we're here to 15:29  
11 protect the people of County Wicklow when large  
12 commercial wind farms affect their livelihoods and  
13 their living conditions. That was the reason in the  
14 first place that we decided that we needed a distance  
15 from commercial wind farms. 15:30

16  
17 I mean it's certainly disappointing that there's a lack  
18 of improved guidelines. It seems, well we know that  
19 the guidelines aren't fit for purpose because of their  
20 distance from people's homes and it seems that both the 15:30  
21 last Minister and this Minister are reluctant to put  
22 out new guidelines that are fit for purpose. I suppose  
23 as was said earlier there, that we need to exert some  
24 influence on ministers. I certainly have exhausted a  
25 lot of avenues trying to get improved guidelines that 15:30  
26 protect people. I want to put it on the record I'm not  
27 against wind farms in County Wicklow but I am against  
28 wind farms when they affect the conditions of people  
29 and how they live their lives. I've said that for two

1 years now when this process started through our County  
2 Development Plan. We have to protect the people that  
3 we represent and that's where I'm coming from on this.  
4

5 With regards to the motion that Cllr. McDonald is 15:31  
6 putting forward. I mean it's one thing, you know,  
7 reducing levies or stopping levies on wind farms but  
8 the problem in, my opinion is, not levies it's granting  
9 permission for wind farms that, as I said, affects  
10 people's lives. That's why we have to look at trying 15:31  
11 to have some way of sorting out the distance that these  
12 wind farms are from people's homes. I mean that's the  
13 ultimate goal, in my opinion, is to protect the people  
14 of County Wicklow against commercial wind farms. I  
15 know we'll probably hear from Des, Director, in a few 15:31  
16 minutes. But, look, I don't think we can lie down and  
17 just let this happen and not do anything about it. We  
18 have to be strong and try and pursue every avenue to  
19 try and make sure that we get a result on this  
20 situation. Thank you. 15:32

21 CATHAOIRLEACH: Cllr. Fortune.

22 CLLR. FORTUNE: Thanks, Cathaoirleach. Yeah, the issue  
23 here really is, the motion is very good but the motion  
24 I think is probably the wrong motion from the point of  
25 view that the issue is the action the Minister has 15:32  
26 taken. I think when we all supported the particular  
27 issue in our plan, in our County Development Plan we  
28 were all at one on it. So really it's the action the  
29 Minister has taken. So that's what I think we should

1 be addressing as a body is to counteract, through  
2 whatever mechanism we can, the action taken by the  
3 Minister.

4  
5 Again, the Donegal case is a very, very good test case 15:32  
6 and why can't there be similar parts of that attributed  
7 to Wicklow? And again, with the legal opinion, as  
8 Cllr. Behan has said, I mean I would say like, every  
9 time we have a big issue we're presented on the day of  
10 the meeting with legal opinion. Here we go again. I 15:33  
11 mean, I would have thought the officials would fully  
12 understand what we all did at the County Development  
13 Plan time and maybe I'm wrong but I think they would  
14 support us. So I think that needs to be made very  
15 clear to the Minister as well. If the officials are 15:33  
16 not supporting us, well then that needs to be made a  
17 bit clearer as well, if that's the case. But we've --  
18 again, it has to be very frustrating for the Fine Gael  
19 Members because to be fair I know Cllr. Cullen - if I  
20 can just use Cllr. Cullen as an example - wants this 15:33  
21 sorted the way he has previously articulated and the  
22 way he is articulating today, but he's caught slightly  
23 behind the cue ball. He's kind of snookered so it  
24 would seem that he's saying one thing but then the  
25 powers that be in his organisation or his party are 15:34  
26 going the opposite way. So I think we need to support  
27 him in that issue. But I think it's the Minister we  
28 need to be addressing and I would like to get an  
29 understanding it would be interesting to say what

1 Mr. O'Brien has to say when he addresses us because I  
2 think we need to be -- we put a motion or a plan in  
3 place as part of the County Development Plan, that was  
4 passed democratically by all the Members so I'd like to  
5 see what the feel is in the house - as someone used 15:34  
6 that term earlier - before we go forward. I think if  
7 we're going forward with this I would suggest maybe to  
8 the people who were advocating the motion, that we turn  
9 the motion into an issue that's asking the Minister to  
10 back off what he has done and listen to what we put 15:34  
11 into the County Development Plan. I think that should  
12 be the approach.

13 CATHAOIRLEACH: Cllr. Bourke.

14 CLLR. BOURKE: Yes, Cathaoirleach, it is very  
15 frustrating because it's only about three or four years 15:34  
16 ago since we did have the power to vary the Development  
17 Plan and we actually did use it to vary it to exclude  
18 an area close to your home there when Gaelectric  
19 applied for a planning permission for a wind farm on  
20 Butter Mountain, you might recall, and at that stage I 15:35  
21 think it was spearheaded by Cllr. Cullen that we would  
22 vary the Development Plan, and we did, and we excluded  
23 a significant part of the County from wind energy. It  
24 is quite frustrating that our powers have been stymied.

25  
26 As Chairman of the Planning Committee I believe that  
27 perhaps we should put this on the agenda for our next  
28 SPC meeting, which is next month, and perhaps set up a  
29 working group to come up with a better proposal and 15:35

1 with the good will of the Executive, perhaps, to come  
2 forward with a variation to the Development Plan. I  
3 know we can't direct them, as evidenced by this legal  
4 opinion, but if there's a goodwill from the Executive  
5 to work with us on it why can't we work towards a  
6 resolution to it? 15:35

7  
8 It comes to mind that we've large areas of the County  
9 which are currently in the National Park that don't  
10 have houses within a kilometre of them. Perhaps that 15:36  
11 should be looked at and perhaps it shouldn't be  
12 sacrosanct, the likes of the Wicklow Gap, for example,  
13 where Turlough Hill, the power plant is up there  
14 already. Perhaps areas like that should be looked at.  
15 And it should be open for debate and for discussion 15:36  
16 before we come up with a final plan for County Wicklow  
17 that could be accepted by all.

18 CATHAOIRLEACH: Thank you. Cllr. Kennedy.

19 CLLR. KENNEDY: Thank you, Cathaoirleach. First of  
20 all, Cathaoirleach, I'm very disappointed to be told 15:36  
21 that we can't make a variation here. We were told  
22 during the County Development Plan that it was our  
23 plan, putting what we wanted in the plan. And when I  
24 say "our plan" I mean the people's plan. And surely to  
25 God if it's our power plan, being the people's plan, 15:36  
26 then we should be able to improve that plan as time  
27 goes by? That's the first point.

28  
29 The second point I'd like to make is, it's not just

1 Donegal, there are other counties who have adopted what  
2 we have been trying to do, a thousand a metres or ten  
3 times' the tip height. So I can't see why we can't do  
4 it because we showed precedent in our Development Plan  
5 to say that we wanted to put this in. This is not new. 15:37  
6 We're just coming back to put in what the people want.  
7 They've done it in other counties, not just Donegal.  
8 That's not the only county that has done it. So we  
9 shouldn't just hinge everything on Donegal here. Other  
10 counties have put this in. So I would support 15:37  
11 Cllr. Behan's proposal that we get a second legal  
12 opinion as to whether we can make a variation to the  
13 County Development Plan or not.

14  
15 But to follow on from what Cllr. Bourke has just said 15:37  
16 in relation to being Chairperson of the Planning SPC,  
17 that he would work with the Executive to see what they  
18 would come forward, also suggests that the Executive  
19 can make a variation, if they so wish. And I'd like  
20 clarity on that. Because if the Chairman of the 15:37  
21 Planning SPC is saying he will work with the Executive  
22 to see if a mechanism can be found to bring it forward,  
23 he is suggesting that the Executive can put forward a  
24 variation if they want to. I'd like the Director to  
25 answer that question, please. 15:38

26 CATHAOIRLEACH: Cllr. Matthews.

27 CLLR. MATTHEWS: Thank you, Cathaoirleach. I would  
28 just like the Director to clarify for us, it is my  
29 understanding that every County Development Plan has to

1 comply with National Planning Guidelines and that's the  
2 reason we got our Directive. It's one of the reasons I  
3 voted against the County Development Plan as well, was  
4 because I thought we were non-compliant with the  
5 planning in regards to wind farms with the objective we 15:38  
6 put in.

7  
8 I was also told that when I tried to bring in the  
9 motion on higher energy standards for housing in the  
10 county, I was told that you can't have standards that 15:38  
11 varying from county to county. There's national  
12 standards and that's what you put in your County  
13 Development Plan. So if I could just get clarification  
14 on that.

15 15:38  
16 As regards the motion on the development contributions,  
17 is the motivation behind it to extract as much as we  
18 can from this industry through development  
19 contributions? Because an increase in development  
20 contributions for this type of industry obviously would 15:39  
21 bring some community benefit and some community gain as  
22 one of the three parts of your development contribution  
23 scheme. To increase development contributions for a  
24 higher community gain, I am just wondering is that the  
25 -- okay. Thank you, Chairman. 15:39

26 CATHAOIRLEACH: Cllr. Lawless.

27 CLLR. LAWLESS: Thanks, Cathaoirleach. I just want to  
28 kind of come back in on that proposal. Like everybody  
29 else in the Chamber I mean I'm annoyed that we can't

1 change this, I mean considering that it was in the  
2 County Development Plan and, you know, the majority of  
3 us were all in favour of it here. I mean we're in no  
4 way against renewable energy, we do welcome it. But  
5 the big issue is the health, I suppose, and the impact 15:39  
6 it has on the people living nearby and just with having  
7 the development levies as a standalone, only a  
8 standalone for new developments, it's to try and make  
9 it a little bit more difficult as well for these wind  
10 farms, until we have proper legislation. This is the 15:40  
11 problem. We don't have proper legislation and I think  
12 this is where we are caught as well. As I say,  
13 development levies, it's only a small mechanism in a  
14 way to kind of help until we actually get the  
15 legislation and maybe by doing this it might help put 15:40  
16 pressure on legislation to come forward a little bit  
17 quicker on this issue. And obviously if we get  
18 increased development levies on this it would be great  
19 if it would go back then into the community projects as  
20 well. Yeah, thanks. 15:40

21 CATHAOIRLEACH: Cllr. Blake.

22 CLLR. BLAKE: Thanks, Cathaoirleach. As somebody along  
23 with Cllr. Doran who lived very close to the first wind  
24 farms built in County Wicklow and probably built  
25 anywhere in Ireland in that regard, but at that 15:40  
26 particular point in time they were built by the  
27 landowners on their own land. They were the nearest  
28 people that actually lived -- or their property was the  
29 nearest in the area in terms of close proximity to the



1 wind turbines themselves. They were of the nature that  
2 wasn't anywhere near the size of the ones we're talking  
3 about nowadays. While there was a certain level of  
4 objections to them, people did see the benefits from it  
5 in terms of the community gain as well. But certainly 15:41  
6 what we're seeing now in the very recent past is  
7 industrialised wind farms. International companies  
8 coming in getting involved in it. Our own Coillte, who  
9 seem to be set on maximising as much profit as they  
10 possibly can out of the land that they own. So in the 15:41  
11 context of the affect that it is having on local people  
12 - and I'm glad to see the ABO one was refused planning  
13 permission by Wicklow County Council just last week,  
14 and its close proximity and its impact on the landscape  
15 were the main reasons why it was actually refused as 15:41  
16 well. So I would say I would very much welcome that.

17  
18 As I said again, the industrialised nature of them, the  
19 size of them, the output of them is what's causing  
20 people a major headache out there in that regard. I 15:42  
21 would be interested to see what the consequences of the  
22 Donegal decision actually really does mean. I've tried  
23 to follow up on it. I've been unable, really, to  
24 ascertain what that that decision by Donegal County  
25 Council and what the legal implications of it actually 15:42  
26 is and what the consequences of it would be.

27  
28 Obviously I do agree with the Members here that we do  
29 need the legislation to be updated. I think back in

1 our own County Development Plan probably in 2000 we had  
2 very minor comments to make with regard to wind energy  
3 in this country. It has become a major issue in the  
4 years since. I think there is a desperate need to  
5 update the 2006 Regulations with regards to. I think 15:42  
6 it's frustrating from the Department and from the  
7 Minister that they haven't come forward with new  
8 legislation and new guidelines in terms of what they  
9 want. Maybe they mightn't be guidelines we want to see  
10 in that regard but I think it's important that they do 15:43  
11 give us some indication of what the future thinking is  
12 as regards wind energy in this country. Thanks very  
13 much, Chairman.

14 CATHAOIRLEACH: Cllr. Vance.

15 CLLR. VANCE: Thank you, Chairman. I'd agree with 15:43  
16 Cllr. Blake there because a big problem, as I can see  
17 in this is that there's been actually no direction from  
18 National Government in regard to the criteria that's  
19 laid down. I'm a big fan of wind energy but there has  
20 to be conditions which would be put in there. Because 15:43  
21 I mean if people really look at it, we have to prepare  
22 as a country for a huge increase in energy that's  
23 necessary in the next 20-25 years, probably it'll be  
24 between 50 and 100% than what we have at the moment.  
25 what I see at the moment is a lot of people objecting 15:43  
26 to windmills. A lot of people are objecting to, now  
27 they're starting to object to solar panels. Then you  
28 have the fossil fuels and the problems that they give  
29 to the environment and you have wave energy, which is a

1 few years behind development and then you have nuclear  
2 power. We don't have a problem taking the nuclear  
3 power from England and from Europe but we have a  
4 problem with having nuclear power here. So we, as a  
5 country, we're going to have to get some policy in 15:44  
6 regard to how we're going to create the energy that's  
7 necessary to provide the necessary power over the next  
8 25/30 years. I mean anyone reads a bit now about this  
9 and they discover that, you know, in 2035 there'll be a  
10 huge amount of cars in this country that are going to 15:44  
11 be electric cars, and that's going to increase the  
12 energy needs of every household in the country in  
13 regard to this and it's going to be a massive increase  
14 in energy in regard to that. But the problem I see is  
15 there's been absolutely no direction whatsoever in 15:45  
16 regard to what type of energy we need; where we put it;  
17 and the conditions to where it should go. It's the  
18 easiest thing in the world to do for people to say we  
19 don't want windmills and we don't want nuclear and we  
20 don't want anything. They have to put down and say: 15:45  
21 what would you accept? You know, I mean it's going to  
22 have to be generated some way, unless somebody has a  
23 magic solution that I'm not after mentioning there in  
24 regard to providing energy, it has to come from  
25 somewhere and there has to be a national debate on this 15:45  
26 and there has to be agreement on it as well. There are  
27 problems there and it's up to the Government to give  
28 some lead on this and effectively we've had no lead for  
29 the last several years in regard to this but it has to

1 happen and it has to happen fast. But I do think there  
2 are opportunities out there in regard to solar energy,  
3 I think particularly in Wicklow where we have very high  
4 ground that would be less intrusive, certainly on the  
5 environment than what windmills are at the moment. I 15:46  
6 think we have to have that conversation and we have to  
7 have it fairly quickly. Thank you, Sir.

8 CATHAOIRLEACH: Thank you, Members. I'll ask the  
9 Acting CEO to respond.

10 MR. DES O'BRIEN: Thank you, Cathaoirleach. I will 15:46  
11 start off first of all, Cllr. Behan said there was no  
12 indication of Pat Butler's expertise. My understanding  
13 is he practises in the field of planning. He certainly  
14 did the last time I had dealings with him about 15  
15 years ago and I think he is held quite highly in that 15:46  
16 field. Obviously if the Members want a second opinion  
17 then we can get a second opinion.

18  
19 I can also ask the Law Agent about the Donegal case. I  
20 have a feeling there that the Department didn't 15:47  
21 actually challenge it. So we might not actually have a  
22 lot of information about it but I'll find out more  
23 about that.

24  
25 The difficulty about putting in levies, and I think the 15:47  
26 way Cllr. McDonald put was it making it unsustainable  
27 for them, we obviously have to operate within the rule  
28 of law and the development levies are meant to be  
29 proportionate to the amount of infrastructure that a

1 development takes up. So we can't actually do a tax or  
2 penalty on them. So I would be doubtful that whatever  
3 amount of levies would be sustainable from them,  
4 because you're talking about they use the roads to  
5 build the wind farms and after that they actually don't 15:47  
6 use very much of our infrastructure at all. So I don't  
7 think that would be a route to achieve the aim that you  
8 have stated there, Councillor.

9  
10 When it comes to variations, we're quite happy as an 15:48  
11 Executive to put through variations and we put through  
12 lots of variations in response to Councillors.  
13 Ultimately, we're bound by the rule of law. We're  
14 obliged to have regard to Government policy and the  
15 Government policy is clear on this. 15:48

16  
17 On that basis and especially since the Government have  
18 actually articulated their response by giving you an  
19 instruction to take out that policy from the existing  
20 County Development Plan, I don't think it's something 15:48  
21 that we as an Executive can do and be consistent with  
22 the law. So I certainly would not be willing to  
23 advance a variation on this matter. I mean I think  
24 we've a record of putting through lots of variations in  
25 responses to Councillors and we will continue do to it, 15:49  
26 and we certainly said so adopting the plan before that  
27 we will come back. We are certainly going to come back  
28 and do it on listed buildings. I can't think of the  
29 other ones but there were two or three things we said

1 we'll and we will do it. But the reason I think we are  
2 constrained is we have to have cognisance of the law on  
3 this matter and I think the law is clear.

4  
5 Just a few other points that were raised about the 15:49  
6 using of the Sally Gap. Well, unfortunately in the  
7 policy you adopted, the areas of outstanding natural  
8 beauty are, and again I can't give you the exact  
9 wording that's in the plan, but they're not suitable  
10 for wind farms. Now that's something that can be 15:49  
11 looked at again, if that's what you want.

12  
13 I think I have covered most of the points. A lot of  
14 the points were people just making statements but I  
15 think I have covered all the questions. 15:50

16 CATHAOIRLEACH: Cllr. Lawless.

17 CLLR. LAWLESS: Des, just in regards to the development  
18 levies. I know with the Ashford Studios we made an  
19 exception with them as standalone so I just, I just  
20 still feel that maybe we should still look at it 15:50  
21 anyway. That's just my opinion. With the Ashford  
22 Studios we were able to stop the development levies for  
23 them. Obviously that's a good thing because we want  
24 the film studios to grow. So I'm just wondering, you  
25 know, if we can stop it for one -- 15:50

26 CATHAOIRLEACH: Could we bring it to the SPC and try  
27 and resolve it there?

28 CLLR. LAWLESS: Yeah. I would like it just explored a  
29 little bit, Des, if you wouldn't mind, please, just as

1 another option. I would like it explored. Thanks.

2 MR. DES O'BRIEN: I suppose the point I was making was  
3 that the development levies are there to raise money  
4 for infrastructure and you can't actually use them for  
5 something else because that probably would not be  
6 lawful. But we can have a look at it. If we even get  
7 it as a secondary effect of them, but they have to sort  
8 of stand on their own.

15:51

9 CATHAOIRLEACH: Cllr. Kennedy.

10 CLLR. KENNEDY: Thank you, Cathaoirleach. I hear what  
11 the Acting CEO and Director is saying and I have no  
12 doubt that he's probably a hundred percent accurate in  
13 what he's saying but I think it's worth pointing out:  
14 There is a huge level of frustration among rural  
15 families so there is, not just to do with the planning  
16 permissions on windmills, there's a huge level of  
17 frustration in the fact that their children is being  
18 asked to provide a visual design statement of their  
19 houses when they're trying to get planning permission  
20 and yet a windmill can be built 500 feet high. It's  
21 hurting people out there and we're putting in an extra  
22 cost on people when they are trying to put a roof over  
23 them and develop a home in their own area, a cost of  
24 anywhere between €1,000 and €2,000. That's totally  
25 unacceptable.

15:51

15:51

15:52

15:52

26  
27 There was almost eight million people in this country  
28 at one time and they didn't all live in cities and  
29 towns, they lived on the hinterland and on the

1 mountains and that's a cost that they don't need.  
2 CATHAOIRLEACH: Thank you. I'll move on to the next  
3 item on the agenda. Item 14: To consider the adoption  
4 of County Wicklow Road Traffic Special Speed Limit  
5 Bye-Laws 2017. Members have been circulated with a 15:52  
6 very comprehensive and long and detailed document, a  
7 few hundred pages I printed off anyway. Cllr. Fox, if  
8 you'd like to start.  
9 CLLR. FOX: Thank you, Chairman. Can I ask, I know we  
10 all went through the process of making submissions and 15:53  
11 there was answers given. Are we in a position to amend  
12 this today, or is it to be adopted or not without  
13 amendment? Can I just ask that first before I proceed?  
14 CATHAOIRLEACH: Would you like to come in on that?  
15 CLLR. WHITMORE: Can I just come in because I have a 15:53  
16 very similar question. I am just wondering do we have  
17 an Executive function in setting the speed limits? So  
18 is it ultimately our decision whether something is 50,  
19 60 or 70 or whatever kilometres an hour.  
20 CATHAOIRLEACH: Okay. 15:54  
21 MR. QUIRKE: Yeah, it's a reserved function. Now there  
22 are some constraints on it in relation to national  
23 roads insofar as you have to get the consent of TII to  
24 impose a speed limit on a national road. But it is,  
25 it's a reserved function. In the adoption of the 15:54  
26 bye-laws it's a reserved function.  
27  
28 Maybe if you look at page 5 of your report on it, just  
29 to give you a little bit of his history on it. We



1 started this review in 2015. The draft bye-laws that  
2 were produced at the time were set out in accordance  
3 with, we get guidelines from the Department on setting  
4 them out. So that we wanted to be consistent through  
5 every Municipal District and in every decision that was 15:54  
6 made with regard to introducing or changing or deleting  
7 speed limits. So that's what was done. A huge amount  
8 of work has been done by Declan O'Brien, who most of  
9 you will have met, or have been in contact with and I'd  
10 personal like to give him credit for a lot of the work 15:55  
11 that was done.

12  
13 The schedule was brought to the Municipal Districts  
14 last year in July 2016 and we went out on public  
15 display then after that, we got submissions and so on 15:55  
16 and they went back to the Municipal Districts in 2017.  
17 So what's before you at the moment are the draft  
18 bye-laws incorporating changes and amendments where  
19 they're consistent with the guidelines. It is up to  
20 yourselves, then, after that as to whether they're 15:55  
21 adopted or amended. I would just say we would be  
22 anxious to get them through today because we have grant  
23 funding for putting in the poles and the signs. We've  
24 about 770 poles and 1,300 signs to put up, which we'd  
25 like to get started on as soon as possible. It is, of 15:56  
26 course, possible to come back and amend the bye-laws at  
27 any time. We wouldn't want to be doing it too often  
28 but it is possible to do that. And also, there may be  
29 some issues in relation to national policy that can be

1 referred to the SPC.

2 CATHAOIRLEACH: Before Cllr. Fox comes back in, I'd  
3 like to ask, are there any implications for us, as  
4 Councillors, if we ask for changes to be made here  
5 today and adopt those changes? 15:56

6 MR. QUIRKE: Legal implications?

7 CATHAOIRLEACH: Yeah? Like these are signed off by, as  
8 far as I understand, road safety engineers, is that  
9 correct?

10 MR. QUIRKE: well, they're being examined. All the 15:56  
11 requests, and so on, have been examined in conjunction  
12 with the guidelines. It's very difficult to say if  
13 whether there would be implications. I suppose if you  
14 brought in a speed limit that caused a hazard there  
15 could be implications but I wouldn't like to get too 15:57  
16 scared about that.

17 CATHAOIRLEACH: Cllr. Fox.

18 CLLR. FOX: Thank you, Chairman. First of all, I would  
19 like to acknowledge Declan O'Brien's hard work on this  
20 and those that helped. But I would seek to amend one 15:57  
21 particular point. I note, first of all, that there  
22 were a number of roads within the town of Bray that  
23 didn't qualify for the 30 kilometres an hour zone,  
24 maybe you might just give us a background on that. But  
25 within Kilmacanogue on page 23 of the final document, 15:57  
26 paragraph 5.2.22 there is one housing estate that has  
27 been omitted, Moore Park Estate, and I would seek to  
28 have that included with the other five housing estates  
29 in Kilmacanogue. If that could be --

1 CATHAOIRLEACH: What was the name?  
2 CLLR. FOX: The Moore Park Estate.  
3 MR. QUIRKE: If I could say, I will have to page the  
4 (inaudible) when it comes to the specific amendments  
5 and Declan will put up the specific maps. If you would 15:58  
6 just refer to the map we'll put up the maps as they are  
7 raised.  
8 CLLR. FOX: I'll find the map if you carry on,  
9 Cathaoirleach.  
10 MR. QUIRKE: They'd be under that reference. 15:58  
11 CLLR. FOX: It's 5.2.22.  
12 MR. QUIRKE: Do you want to take them all at the end?  
13 CATHAOIRLEACH: Maybe just get them over. If you  
14 liaise directly maybe with Michael, during the meeting,  
15 just to move it on. 15:58  
16 MR. QUIRKE: Whatever you want.  
17 CATHAOIRLEACH: I have no idea how many amendments  
18 we're going to have but I'd just like to move them on  
19 quickly. I'm conscious of the time, it's 4:00 o'clock  
20 and there's one item on the disposal of the 1.8 acres 15:59  
21 in Bray I'd like to deal with as well. Now whether we  
22 extend the meeting or not that's up to the Members,  
23 because we have suspensions, three suspensions at 4:30,  
24 although they won't take that long. But I think maybe  
25 liaise directly on that one. That's the only one you 15:59  
26 have Christy, is it?  
27 CLLR. FOX: That's the only one, yeah.  
28 CATHAOIRLEACH: Cllr. Blake.  
29 CLLR. BLAKE: Thanks, Chairman. I see in it that

1 there's a special provision made for a number of  
2 schools, it appears to be a number of schools anyway at  
3 certain periods of the day. I presume it's probably  
4 school opening times and school closing times where  
5 there's a different speed limit of 30 kilometres in 15:59  
6 some cases and 50 in others. Again, it's only for a  
7 certain number of schools and just some explanation as  
8 to there's two different speed limits and secondly that  
9 it doesn't include all schools.

10  
11 The other point I'd ask as well, and it's something we  
12 discussed at the Baltinglass District in regards to the  
13 speed limit in Tinahely. I understood it at the time  
14 that we were to retain the 50 kilometres speed limit on  
15 the Aughrim Road for the entire distance, which was 16:00  
16 agreed partially, but I do see now where there's an  
17 inclusion of a 60 kilometre speed limit for a certain  
18 section of it. I find it hard to understand where  
19 you'd have the entire area around the village included  
20 as a 50 kilometre and yet for a section inside that 16:00  
21 it's actually 60 kilometres. All right. Just to get  
22 some explanation of that.

23 CATHAOIRLEACH: Cllr. Blake, if you need to clarify  
24 with Michael then you can during the meeting.

25 CLLR. BLAKE: But the two questions, one is regards the 16:00  
26 school, outside certain schools there's a 30 and 50  
27 kilometre difference in speed limits and it's only a  
28 certain number of schools as well. Just any  
29 explanation for that?

1 MR. QUIRKE: I might just take that now because it's  
2 probably going to, it may come up again anyway. That's  
3 a variable speed limit that's in place in a certain  
4 number of schools. We did look at those. It has a  
5 serious financial implication. There's about 120 16:01  
6 schools in the County. The cost of putting in the  
7 variable speed limit signs and maintaining them is  
8 about €10,000 per school. So if you were to put them  
9 at them all -- you see the sign has to change, it has  
10 to change from summertime to wintertime, you have to 16:01  
11 put in maintenance and so on. They ain't cheap.  
12 You've got to get power to them in some cases. So if  
13 you think of a rural school, you can't get solar power.  
14 There's all those implications. That's just a ballpark  
15 figure. If you put them at every school you'd be 16:01  
16 looking at over a million euro.

17  
18 I think it's probably something that's worth looking at  
19 but for very specific schools and then we'd be trying  
20 to find finance for those signs, you know. It's big 16:02  
21 money. They certainly are effective and they catch the  
22 attention of the motorist all right. But there is that  
23 financial implication. That's probably over all the  
24 Districts.

25 CLLR. BLAKE: Fine and then the other one in Tinahely. 16:02  
26 You have changed the two limits within the core of it  
27 itself.

28 MR. QUIRKE: We might take those as part of all the  
29 other ones at the end but the other one is just across

1 Municipal Districts.

2 CATHAOIRLEACH: Cllr. Fitzgerald.

3 CLLR. FITZGERALD: Yeah, I just want to congratulate  
4 Declan on the work his done but I had raised an issue  
5 there when you leave Arklow heading towards Coolgreany, 16:02  
6 I wanted the 50 kilometre speed extended outwards and  
7 vice versa coming in because I believe the 80 is  
8 causing problems there. The speed limit on that road  
9 is tremendous, it's very difficult. I mean there's an  
10 accident waiting to happen there. I want the 50 16:02  
11 brought you so you reach the 50 kilometre much further  
12 out and that vice versa that the 50 is pulled out on  
13 the left-hand side, or heading south towards  
14 Coolgreany. I had discussed that with Declan and I had  
15 raised it at a Municipal District meeting. The speed 16:03  
16 on that road, as I say, is absolutely -- I've asked the  
17 gardaí to go out there several times. It needs to be  
18 extended in both directions.

19 CATHAOIRLEACH: Cllr. Whitmore.

20 CLLR. WHITMORE: Thanks, Chair. I would just have one 16:03  
21 amendment as well, which is the Templecarrig Road. The  
22 local residents in the area have been campaigning for,  
23 I think, 15 years to have the speed on that road  
24 reduced from 80 kilometres an hour to 50 and I think if  
25 anyone is familiar with the road it's quite a narrow 16:03  
26 road and you get horses and there's a lot of blind  
27 bends on it. I think actually at one stage this  
28 Council may have approved a motion to reduce the speed  
29 on that road and I'm not sure why that didn't happen.

1 But that road has become a lot more used. People use  
2 it to bypass Greystones now and so, therefore, it's  
3 getting a lot more dangerous. I think in the report  
4 the recommendation was put to us that rather than have  
5 that at 80 that there would just be the black and white 16:04  
6 sign but the residents are absolutely adamant that that  
7 needs to go down to 50 and I would support that and I  
8 would like that to happen.

9 MR. QUIRKE: Again just a general point on that. The  
10 guidelines in relation to reducing speed limits and so 16:04  
11 on at at-risk locations. I'll just read them out to  
12 you and just explain to you what the thinking behind  
13 the decisions or the recommendations were.

14  
15 "Generally speed limits should not be reduced where 16:04  
16 there are isolated road hazards, such as where there  
17 are road geometry constraints or hazards, except for  
18 at-risk locations where there is a history of road  
19 collisions which cannot be addressed by other means  
20 such as warning signs." 16:04

21  
22 So I suppose what they're saying is that you should  
23 look at the road first and see what you can do with it  
24 and see what other signs.

25  
26 The other thing about reducing the speed limit is, 16:05  
27 unless it's enforced, you know, it may be just another  
28 sign on the road. That's just a general point and we  
29 can come back to Templecarrig.

1           CLLR. WHITMORE: I do think on that, though, that when  
2           people do see a speed limit of 80, you know, some  
3           people do use it as a target rather than an indicator.  
4           The other issue that I should have mentioned is that  
5           the guards have actually been supportive of the speed 16:05  
6           being reduced on this road. Over the past ten years  
7           they've continually supported it. Because of that I'd  
8           be happy --  
9           MR. QUIRKE: I'm just explaining the background.  
10          CATHAOIRLEACH: Cllr. Bourke. 16:05  
11          CLLR. BOURKE: Thank you, Cathaoirleach. I would just  
12          like to say that I believe this will be a major step  
13          forward because we've had people and residents in areas  
14          for years complaining about the lack of speed limits in  
15          their areas and it really goes along way towards 16:05  
16          addressing those concerns.  
17  
18          It's probably not going to be perfect. As soon as  
19          these signs that Sean is talking about are put up,  
20          we'll probably have others complaining that we've 16:06  
21          missed other areas that should have been included. So  
22          I'd like to ask him to give the commitment that within  
23          two years, or even within twelve months that it could  
24          be put out to a public review of speed limits so that  
25          we catch those that we might miss out on at this time 16:06  
26          and I propose that we proceed henceforth and adopt this  
27          plan.  
28          CATHAOIRLEACH: Cllr. Fortune.  
29          CLLR. FORTUNE: Thanks, Cathaoirleach. I would fully



1 support what Cllr. Whitmore was saying about  
2 Templecarrig. I think that does need to be looked at  
3 because that road is used quite extensively. In fact I  
4 use it myself quite a lot. While it may not have  
5 -- there was a serious accident up there last week, so 16:06  
6 it may not happen too often but the fact is it's an  
7 accident waiting to happen.

8  
9 The other thing I would just pick up on, Sean, from  
10 what you were saying, Windgates. As you come down 16:06  
11 Windgates from Bray particularly you're coming into a  
12 kind of almost a dip like you'd have in an amusement  
13 park and sometimes cars do actually come down it very  
14 fast. If you can't put up signs, which I hear what  
15 you're saying, I think there should be warning signs 16:07  
16 put up on that particular road and sections of it so as  
17 people can see very clearly, because certainly it is  
18 being, it's like as if you know, I'm not saying every  
19 car does it but some cars do it, you can come down in  
20 and you could nearly take off and land in Newcastle. 16:07  
21 What I'm saying is, I'm just making the point. I think  
22 we need to address that, okay.

23  
24 Another point, the Kilcoole to Newcastle Road, once you  
25 come out to Chraobh Abhann I think it's 50, and just as 16:07  
26 you get past what was a golf club you can then go into  
27 80, right, and that road is not suitable for 80  
28 kilometres. I can then drive up onto the N11 and  
29 there's a big section of it where I can only drive 100

1 and I can only drive 80. So it's just inconceivable  
2 that it's okay to drive that speed on that road. So it  
3 urgently, urgently needs to be looked at.  
4

5 And there's also, I don't know whether this is, maybe 16:08  
6 if this is outside the bailiwick of what we're talking,  
7 obviously one of you will tell me. But when you come  
8 into Kilcoole Village and take a left down Lott Lane  
9 and you come round and you follow the road down  
10 eventually past the playground, but before you come 16:08  
11 down to the playground, the natural road swings left  
12 but you can actually also drive straight on into a  
13 cul-de-sac and there's someone going to get killed in  
14 that particular spot because some people who don't know  
15 the area don't know the road, don't recognise that you 16:08  
16 actually cannot drive straight through that particular  
17 junction. So again what I would ask, Sean, there, is,  
18 if we can't put up -- there needs to be a proper sign,  
19 a warning sign if that's the right description. There  
20 needs to be a decent sign put up there so as people who 16:08  
21 don't know the area can see very clearly that it's  
22 suicidal to drive straight because you're either going  
23 to kill yourself or kill somebody else. That's pretty  
24 urgent because that is an accident waiting to happen.  
25 CATHAOIRLEACH: Cllr. Snell. 16:09

26 CLLR. SNELL: Thanks, Cathaoirleach. First and  
27 foremost I'd like to thank the Housing Section or the  
28 Road Section in regards to the amount of work that  
29 they've put in to this to date. It's been in front of

1 all Municipal Districts, to my knowledge, and certainly  
2 while I accept that there will be a small volume of  
3 problems and issues, overall looking at the document  
4 itself, probably 99.9% of it is acceptable to all  
5 Members. I'm just wondering on a point of 16:09  
6 clarification, I certainly will support the adoption of  
7 this here today.

8  
9 Just in regards to some of the issues that other  
10 Members are raising. Obviously they're familiar with 16:09  
11 their own area and their Municipal Districts issues  
12 that could be gone through with their road engineer in  
13 that particular area. Can they not come back at a  
14 later stage if you they identify maybe with the  
15 Director or through the SPC? We seem to be getting 16:10  
16 into the nitty-gritty of individual issues. But, like,  
17 a lot of work has been done on this and I want to thank  
18 the staff that put the work in, in particular  
19 Declan O'Brien whose door was always open, certainly to  
20 us in East Wicklow anyway, and has been in front of us 16:10  
21 a number of times. I would be proposing that this  
22 would be adopted here today. That's my proposal.

23 MS. GALLAGHER: Cllr. Bourke has proposed it.

24 CLLR. SNELL: Well I'll second it. Yeah, I'll second  
25 it. 16:10

26 CATHAOIRLEACH: Cllr. Mitchell.

27 CLLR. MITCHELL: Thank you, Cathaoirleach. Yeah, this  
28 is the culmination of a very long process. I think  
29 it's been going on around maybe two years, or maybe

1 longer, I'm not sure. People made submissions recently  
2 and quite some time ago I think also for this and  
3 they're wondering what on earth is happening with all  
4 the submissions and discussions that have been going  
5 on. So I think it's very important that we do accept 16:11  
6 the document that's in front of us and get it approved,  
7 particularly if we're told that we have actually got  
8 some money to implement it and put all the signs up.  
9 And maybe on the particular points, it can be dealt  
10 with in some way later or whatever, but I think it's 16:11  
11 absolutely essential that we approve the document today  
12 and get it on. Otherwise we look very foolish if we  
13 lose the funding for it and people have made  
14 submissions a year to two ago and we say well, we  
15 haven't reached a decision yet. I would think that 16:11  
16 that's the way we should proceed is to pass this.  
17 CATHAOIRLEACH: Cllr. Fortune, you want to come back.  
18 CLLR. FORTUNE: Just picking up on what Cllr. Snell and  
19 Cllr. Mitchell are saying. No, I've no problem  
20 adopting it but adopting it but we're here to discuss 16:11  
21 it as the Members of the Council, the Board of  
22 Directors before it gets pushed on. And I'm just  
23 simply saying, other Members can speak for themselves,  
24 I've just raised three very straightforward simple  
25 points and I'm simply asking that they be taken on 16:12  
26 board, in addition to what we're doing here today. I  
27 shouldn't have to wait to go back and talk to the local  
28 engineer, who then has to come back, come back, come  
29 back. What I'm merely saying is, I've asked for some

1 very straightforward, cost effective changes that would  
2 maybe help people and save a life. I would ask that  
3 what I have put forward, and it's recorded obviously, I  
4 would ask that what I put forward is taken on board.  
5 CLLR. FOX: Chairman, I propose it with the amendment 16:12  
6 if that's okay.  
7 CLLR. WHITMORE: I second it.  
8 CATHAOIRLEACH: Cllr. Matthews.  
9 CLLR. MATTHEWS: Chairman, apologies, I thought I had  
10 my mic pressed at the time. 16:12  
11  
12 Again, thanks to the road staff. This is a huge body  
13 of work and they were always there for consultations  
14 through the whole process.  
15 16:12  
16 I have a bit of a problem with the guidelines in that  
17 there is ambiguity in them and there's parts of Dublin  
18 City Council area and County Dublin Council areas with  
19 the exact same characteristics as Bray roads: parts of  
20 Sandymount, Crumlin, Raheny. No difference in those 16:13  
21 roads whatsoever. They're residential roads. They're  
22 narrow roads. They're a main walking route for school  
23 children. They're a main walking route to the shops  
24 and the town. Now what we seem to be doing with these  
25 guidelines is identifying the characteristic of a road 16:13  
26 and saying it fits this speed limit. And that's fine  
27 and I don't have a problem with that. But where we  
28 have the opportunity to say, yes, this road has this  
29 characteristic, and this is the speed limit that could

1 apply, such as 50 kilometres per hour, but we have the  
2 scope to put in 30 to improve it to for residents, to  
3 improve it for children, to improve road safety for  
4 cyclists and pedestrians. And we all got e-mails this  
5 morning about the back to school traffic. If our roads 16:13  
6 were safer and quieter and more walkable and more  
7 cycleable and safer I'd be letting my children walk to  
8 school. I wouldn't let them to do it at the moment  
9 because the roads are not safe, the cars are travelling  
10 too fast. And to say that enforcement is a reason for 16:13  
11 not doing something is the worst excuse I've ever  
12 heard. We should be trying to make our roads as safe  
13 as they can possibly be for all road users, car users  
14 included, but enforcing it is down to the gardaí and  
15 they need to step up on that as well. We shouldn't 16:14  
16 just say: 'we can't make this 30 kilometres per hour  
17 because nobody will pay attention and it won't be  
18 enforced'. That's not a reason in my book at all.

19  
20 Parts of Dublin Council have introduced slow zones. 16:14  
21 I'm happy enough to adopt this here today because there  
22 is some good reasons, mostly in the housing estates,  
23 that we have to reduce it down to 30K in other parts of  
24 the County. So I'm willing to adopt this today and I  
25 don't have a problem with that. But what I want to 16:14  
26 propose is that we visit some of the roads in Bray that  
27 have been refused under these guidelines, with the  
28 objective of maybe, maybe creating a slow zone or maybe  
29 looking at, through the Bray Municipal District

1 Councillors and the Bray engineers and coming back  
2 within twelve months. So I want to propose we do that  
3 because I disagree with some of the Bray roads that  
4 have been omitted, I agree with plenty that have been  
5 included and I thank the engineers for including it and 16:15  
6 taking my submissions into account on it. But I'm  
7 proposing that we come back within twelve months and  
8 look at Bray roads that have been refused see can we  
9 include some of them, or maybe create a slow zone which  
10 it is called in the guidelines. Thanks, Chairman. 16:15  
11 CATHAOIRLEACH: Cllr. Fox, you had a proposal a minute  
12 ago.  
13 CLLR. FOX: Yeah. I would second what Cllr. Matthews  
14 is saying for a start. But I would also propose the  
15 adoption of it with the two or three amendments that 16:15  
16 have been.  
17 CATHAOIRLEACH: Is that the amendments from yourself,  
18 from Cllr. Fortune, Cllr. Whitmore, and I think  
19 Cllr. Blake might have had one as well.  
20 CLLR. FITZGERALD: Can I just say I have an amendment 16:15  
21 myself to what I proposed.  
22 CATHAOIRLEACH: Just put on your mic there.  
23 CLLR. FITZGERALD: I'm looking for the 50 to be brought  
24 out heading south and coming into Arklow. 80 is too  
25 much there in that section. You come under the bypass 16:15  
26 there, you'd think it was Grand Thatch.  
27 MR. QUIRKE: Look, the amendments can be including but  
28 I think we need to be -- we probably need to put up the  
29 maps because we need to be quite specific about where

1 we're starting and finishing because it will have to be  
2 written in specifically into the bye-laws. So maybe  
3 Declan might have some comments or Michael might have  
4 some comments.

5 MR. FLYNN: Could I suggest that perhaps we do need to 16:16  
6 get this adopted today and I think that's what you all  
7 really want to do. And we certainly don't want to  
8 ignore the number of roads that you've raised here.  
9 But for us to adopt them today we would have to make  
10 sure that everybody was absolutely clear on what was 16:16  
11 being adopted and I don't know if that is the case, and  
12 to get it mapped and available for everybody to agree  
13 in the short space of time really isn't feasible. I  
14 would suggest that perhaps we would bring to the SPC  
15 those roads that you have raised here and come back to 16:17  
16 the next meeting with amendments or alternatives. Some  
17 of them that you suggested perhaps could be dealt with  
18 by way of for other signage rather than perhaps speed  
19 limits. But for us to engage with you and to bring it  
20 back to you perhaps at the next meeting, but to adopt 16:17  
21 them as we have proposed them here today and to bring  
22 it back to the next meeting. The process of getting it  
23 up on the thing today is going to be some job.

24 CATHAOIRLEACH: It will slow us down. Is that agreed?

25 CLLR. FOX: Does that require re-advertisement and back 16:17  
26 on public display?

27 MR. QUIRKE: If we're going to vary it, it would, yeah.

28 CLLR. FOX: A smaller process?

29 MR. QUIRKE: It is obviously a smaller process because



1 you're not looking at every --  
2 CLLR. FOX: How long are you talking about?  
3 MR. QUIRKE: You'd be talking about a number of months  
4 anyway before you go out on to public display. We've  
5 got to go to the gardaí. We have to -- 16:17  
6 CLLR. FOX: My amendment is an omission but I'd say an  
7 error, okay. I have given Declan the map. So I'm not  
8 keen on waiting a number of months.  
9 MR. QUIRKE: That's in relation to Moore Park, is it?  
10 I'm not sure. Have you looked at the map for Moore 16:18  
11 Park?  
12 MR. DECLAN O'BRIEN: It's up.  
13 CATHAOIRLEACH: Can Moore Park be dealt with now then?  
14 MR. QUIRKE: Is there an issue with the 30?  
15 MR. DECLAN O'BRIEN: It is currently 50 at the moment. 16:18  
16 It is a through road, it's not a cul-de-sac. That's  
17 the only issue.  
18 MR. QUIRKE: It doesn't meet the criteria in the  
19 guidelines. That doesn't stop you doing it, I'm just  
20 saying -- for Cllr. Matthews' benefit, I'm not saying 16:18  
21 that enforcement is a reason for not putting in a speed  
22 limit, I'm just saying that it is an element to it but  
23 the other elements we should look at also is  
24 engineering works or other signage before we put in a  
25 speed limit. 16:18  
26 CLLR. FOX: Chairman, I'm proposing the amendment, you  
27 know. It can sink or swim but I'm proposing the  
28 amendment.  
29 MR. QUIRKE: Okay. We just need to be exact then

1 because it is a bye-law. It will be a legal document.  
2 It could be used in court.  
3 CLLR. FOX: I understand that.  
4 MR. QUIRKE: Do you have details of where it starts and  
5 finishes, Declan? 16:19  
6 MR. DECLAN O'BRIEN: Well, I presume the Councillor is  
7 referring to what is currently 50 up there to there.  
8 MR. QUIRKE: Okay. So it's changing the number  
9 actually, then, rather than the location.  
10 MR. DECLAN O'BRIEN: From a 50 to a 30. 16:19  
11 MR. QUIRKE: That's pretty straightforward.  
12 MS. GALLAGHER: Okay. So it was proposed by Cllr. Fox.  
13 Who's the seconder? Is that agreed?  
14 FROM THE FLOOR: Agreed.  
15 CLLR. MATTHEWS: Chairman, my proposal on revisiting 16:19  
16 Bray district roads. Some of the roads that have been  
17 refused, that Bray Municipal District can reconsider  
18 these with the possibility of creating slow zones in  
19 Bray.  
20 CLLR. FOX: I'll second that. 16:19  
21 MS. GALLAGHER: Seconded by Cllr. Fox, is that agreed?  
22 FROM THE FLOOR: Yes.  
23 MR. QUIRKE: I suppose, if you look at the map there's  
24 huge sections of Bray that the housing estates and so  
25 on would be 30. And there is probably more than can be 16:19  
26 done but it's a separate body of work. We're trying to  
27 do the whole county.  
28 CATHAOIRLEACH: Cllr. Whitmore.  
29 CLLR. WHITMORE: I can understand that there's an

1 urgency to get this through but I would be really keen  
2 on the Templecarrig Road being recognised and the  
3 amendments made. I think the people there have been  
4 lobbying for 15 years, they've been raising this as an  
5 issue. There was an accident as recently as last week 16:20  
6 where a car turned over on that road. As I said, it  
7 has been supported by the guards, it has been supported  
8 by the Council previously. I think to go back to them  
9 and say, we'll have to amend these bye-laws and go  
10 through the process again, I think this is something 16:20  
11 that they had submitted as part of the this review and,  
12 you know, I do think we need to listen to them and get  
13 it resolved at this point.

14 CATHAOIRLEACH: Members, could I, with your indulgence,  
15 have the option of extending the meeting just to try 16:20  
16 and getting all these matters resolved, to say,  
17 provisionally 5:30 and put the suspension of Standing  
18 Orders to 5:00 o'clock and bring it forward if we get  
19 this sorted now.

20 16:20

21 In relation to Cllr. Whitmore's proposal.

22 MS. GALLAGHER: Do we have a seconder?

23 MR. DECLAN O'BRIEN: From here across to Delgany.  
24 Sorry, this is Templecarrig Road here and then back  
25 into (inaudible as mic not on). 16:21

26 MS. GALLAGHER: Is that agreed?

27 FROM THE FLOOR: Agreed.

28 CATHAOIRLEACH: Cllr. Fortune.

29 CLLR. FORTUNE: Thanks. Obviously I've already agreed

1 with the Templecarrig. Just the Newcastle point I  
2 raised the 50 to 80 that's, that 80 speed limit there's  
3 an accident black spot. There's been at least one  
4 person killed if not more over recent years. So it  
5 needs urgent -- whether that's done the way Sean and 16:22  
6 Declan outlining but it does need to be addressed. If  
7 you leave Kilcoole and you're heading for Newcastle.  
8 MR. QUIRKE: You're into the default speed limit of 80  
9 at that point.

10 CLLR. FORTUNE: Yeah, but 80 is too much. 16:23

11 MR. QUIRKE: I know, but I mean, as I think  
12 Cllr. Whitmore said there, some people use it as a  
13 target. It is a default speed limit. There is huge  
14 numbers where you couldn't 80 --

15 CLLR. FORTUNE: No, but people do, Sean, and that's why 16:23  
16 people have been killed on the road. So I'm asking, as  
17 part of the process here today, that that be addressed.

18  
19 And then the other two points I made earlier, where you  
20 come down into the gully in windgates and the Lott Lane 16:23  
21 situation, they're just purely putting up proper signs  
22 so people know. So I'd like that done.

23 MR. QUIRKE: That's separate to this.

24 CLLR. FORTUNE: That doesn't have to go in the process.

25 MR. QUIRKE: No. That will go through the Municipal 16:23  
26 District.

27 CLLR. FORTUNE: It doesn't matter but I'd like the  
28 meeting here today to acknowledge that and get and have  
29 it done because there're two very important issues.

1 Certainly the Kilcoole to Newcastle Road has been  
2 discussed and mentioned by lots of people for a long,  
3 long time. And the answer I think remember getting  
4 back at a previous meeting was that it's an R-rated  
5 road, the R761, and therefore, therefore. But the 16:24  
6 reality is, there are two villages on that road and  
7 then Rathnew is the one at the end of it. But you've  
8 got Newcastle and Kilcoole and we just have to make  
9 sure people's safety is paramount. That's really what  
10 I'm asking. That speed limit on the Newcastle Road is 16:24  
11 ridiculous when you then compare it to some of the  
12 speed limits up on the N11.

13 CATHAOIRLEACH: Okay. Do you have a seconder for that?  
14 MS. GALLAGHER: Do you have a seconder for that  
15 proposal? 16:24

16 CLLR. FORTUNE: I'm surprised if I don't.  
17 MR. DECLAN O'BRIEN: What speed limit do you wish to  
18 have?

19 CLLR. FORTUNE: 50.  
20 CATHAOIRLEACH: That's outside of this meeting. We're 16:24  
21 not adopting that today.

22 CLLR. FORTUNE: That's okay but I mean at least  
23 let's -- -

24 CLLR. MCLOUGHLIN: Actually 60 would do it.  
25 CLLR. FORTUNE: I would prefer 50, Gráinne, but I won't 16:24  
26 fight over ten.

27 CATHAOIRLEACH: We can deal with that outside the  
28 meeting. I'm anxious just to get this finished.

29 CLLR. FORTUNE: I want it properly taken on board at

1 the meeting so as we won't be talking about it in two  
2 years' time and saying: 'Oh, remember we discussed  
3 that.' This is urgent.

4 MR. QUIRKE: If you go back, if you discuss it and  
5 agree your points of reference at the Municipal 16:25  
6 District, you know, where the start and finish points  
7 are.

8 CLLR. FORTUNE: Maybe I can talk to Declan and he can  
9 give me some direction and guidance and then I can talk  
10 to the District. Yeah, I'll do that. 16:25

11 MR. QUIRKE: That will come in in the next amendment.

12 CATHAOIRLEACH: Cllr. Murphy.

13 CLLR. MURPHY: I would just like to support  
14 Cllr. Fitzgerald's issue and know where we are with  
15 that, on the Coolgreany issue, because the volume of 16:25  
16 traffic there is just horrendous and again it's quite a  
17 dangerous black spot.

18 CATHAOIRLEACH: Cllr. Fitzgerald, could you remind us.

19 CLLR. FITZGERALD: I'm just slightly peeved here  
20 because I had put in something on that previously and 16:25  
21 we discussed it at the Municipal District meeting.

22 CLLR. MURPHY: Lengthy.

23 CLLR. FITZGERALD: And I deemed that to be an urgent  
24 matter, right. Now that 50 has to be extended out.  
25 There's a football pitch on the left. We have no path 16:25  
26 down the road. There are people walking into Arklow  
27 and what I want to do is bring the 50 out further in  
28 both directions and it seems to be side-kicked here.

29 MR. QUIRKE: No, we just haven't got to it. That's

1 all.

2 CLLR. FITZGERALD: No, no, no. We might have got to it  
3 when we put on the lights. I believe that it's an  
4 extremely dangerous road and that has been proved in  
5 the last few years there. So we need to bring out the 16:26  
6 50 heading south. It needs 50 kilometres per hour much  
7 further out.

8 CATHAOIRLEACH: Can we deal with that now? Do you have  
9 a specific location?

10 MR. QUIRKE: In fairness to Cllr. Fitzgerald, he had 16:26  
11 raised it previously and we adjudicated based on the  
12 guidelines. So I think what we now need to do is have  
13 the point where it starts or finishes, whichever way  
14 you want to look at it. I think Declan has the map  
15 there. I suppose if we can identify the start point on 16:27  
16 the map.

17 CLLR. FITZGERALD: (Inaudible).

18 MR. QUIRKE: I think if you look at the residences on  
19 it, it will probably pick itself, the number of  
20 accesses on to the road. 16:27

21 CATHAOIRLEACH: Is that resolved?

22 MR. DECLAN O'BRIEN: We could go from the 200 metres  
23 from the end of the existing speed limit, that boundary  
24 and we'll review it this week. So it is roughly where  
25 I have shown on red on the map. 16:27

26 MS. GALLAGHER: So that's agreed then, proposed by  
27 Cllr. Fitzgerald and seconded by Cllr. Murphy. Agreed?

28 FROM THE FLOOR: Yeah.

29 MR. QUIRKE: So subject to those amendments then, we

1 can go ahead.

2 CLLR. FITZGERALD: I have no problem.

3 CATHAOIRLEACH: Cllr. Vance.

4 CLLR. VANCE: Chairman, just in an effort to speed this  
5 up. I mean really and truly we should learn from this 16:28  
6 today in the sense that we shouldn't be really doing  
7 this at a meeting. This should have been sorted out  
8 before we came to the meeting here. And really and  
9 truly maybe the lesson we need to learn is that maybe  
10 if an hour is put aside with the engineers and that 16:28  
11 before a meeting that people can come in and put a  
12 proposal there and then have them ready to bring before  
13 and not have it at a meeting. Because it's all over  
14 the place because a lot of the people, except the  
15 people in the particular areas, don't know what's 16:28  
16 happening here at all in that regard to it. Really and  
17 truly like we should be bringing stuff to the meeting  
18 here that would have had the full, the full discussion  
19 at the earlier meetings and it should be really a  
20 rubber stamp job when we come here. 16:28

21 CATHAOIRLEACH: I agree with you, Cllr. Vance, but  
22 we're not doing too bad, we're nearly there now.

23 Cllr. Matthews.

24 CLLR. MATTHEWS: It's a point I was going to make.

25 CLLR. FOX: Proposed with amendments. 16:29

26 CATHAOIRLEACH: Cllr. Matthews.

27 CLLR. MATTHEWS: I am okay.

28 MR. QUIRKE: Okay. I think the only thing that we need  
29 to include then is the commencement date and the



1 suggested commencement date is 1st December. Are you  
2 happy with that? I think we need to take a vote. All  
3 of this can be challenged, open to challenge in court.  
4 CLLR. BLAKE: Sorry for leaving the Chamber. Did he  
5 agree to the Tinahely one to leave it at 50, the entire 16:29  
6 length of it?  
7 MS. GALLAGHER: No, we haven't.  
8 CATHAOIRLEACH: We'll give you one last chance, Vinny.  
9 Just, what's your proposal?  
10 CLLR. BLAKE: I just want it left at 50 for the entire 16:30  
11 length of it, that's all.  
12 MR. QUIRKE: It's a change in number.  
13 MR. DECLAN O'BRIEN: Yes, it is.  
14 CATHAOIRLEACH: Okay. Is that clear?  
15 MS. GALLAGHER: Is that seconded by? Cllr. Cullen. Is 16:30  
16 that agreed?  
17 FROM THE FLOOR: Yes.  
18 CATHAOIRLEACH: Can we take a vote on the amendments.  
19 MS. GALLAGHER: Proposed by Cllr. Fox and seconded by  
20 Cllr. Whitmore, to adopt with the amendments that we've 16:30  
21 agreed, effective from 1st December 2017. [VOTE TAKEN]  
22 CATHAOIRLEACH: Okay, thank you, Members.  
23 MS. GALLAGHER: That's 26 for; and six not present.  
24 CATHAOIRLEACH: Item 15: To set a date for a Council  
25 meeting before the end of September to consider the 16:31  
26 setting of the local property tax. Now, the suggested  
27 date is this day three weeks, 25th September. It has  
28 to be, the meeting has to take place before 30th  
29 September my understanding is, so that's the closest

1 possible Monday to that date.

2 CLLR. WHITMORE: By 3rd October?

3 MS. GALLAGHER: No, 25th September.

4 CATHAOIRLEACH: Three weeks from today.

5 CLLR. LAWLESS: What time? 16:32

6 CATHAOIRLEACH: 2:00 o'clock. Cllr. Vance proposed,

7 Cllr. Snell seconded. Is that agreed?

8 FROM THE FLOOR: Agreed.

9 CATHAOIRLEACH: Item 16: This is for noting, okay.

10 It's for information purposes primarily. To note 16:32

11 report in respect of the 1.78 acre site in the Southern

12 Cross Road, Bray, County Wicklow.

13 MR. MURPHY: I'll just give a brief overview. In the

14 late '80's Bray Town Council and Wicklow County

15 Council, in association with the IDA, purchased a land 16:33

16 bank measuring approximately 100 acres on the south

17 side of Bray. This land bank facilitated the

18 construction of the Bray Southern Cross Road, after

19 which there was a surplus piece of land measuring

20 approximately 1.78 acres. The site was put on the 16:33

21 market and was subsequently sold to Nechouka Limited,

22 which was the property arm of Superquinn, and it was

23 sold for a sum of €14.4 million.

24

25 The sale of the sit was completed on 13th June 2008 and 16:33

26 was carried out by way of lease. Prior to the signing

27 of the lease, Nechouka Limited had been granted

28 planning permission for a mixed use commercial and

29 retail development on the 1.78 acres, as well as on

1 nine acres which adjoined the 1.78 acre site. The  
2 purchase price of €14.4 million, which was  
3 exceptionally good at the time, was paid, as I've  
4 already mentioned, on 13th June 2008. As part of the  
5 lease agreement, the reserved rent of €100,000 per 16:34  
6 annum was abated for a period of 18 months to permit  
7 the purchaser to build out the approved development.  
8 However, as the Members will be aware, later on in 2008  
9 the full impact of the economic crisis hit the country,  
10 resulting in the Government having to put in place the 16:35  
11 bank guarantee which, in effect, reduced all sources of  
12 credit.

13  
14 Because no building has taken place on this site, the  
15 rent of €100,000 per annum became payable with effect 16:35  
16 of 13th December 2009 and at present is in arrears.

17  
18 In 2016 an informal approach was made to the Council on  
19 behalf of Nechouka Limited to see if we would be  
20 willing to vary the terms of the lease agreement so as 16:35  
21 to facilitate the sale of the overall site.

22  
23 After a number of discussions, a proposal was submitted  
24 on behalf of Nechouka by Knight Frank Valuers. The  
25 proposal provides that the total amount of rent due 16:35  
26 under the terms of the lease be paid up to the next  
27 gale day of 29th of this month. This amounts to  
28 €778,219. The proposal also provides that the abated  
29 rent period be extended from 29th September of this

1 year to 31st December 2022. This has been requested so  
2 as to enable a potential purchaser of the entire site  
3 to prepare a fresh planning application in accordance  
4 with the current zoning; to submit the planning  
5 application; to allow for a potential appeal to An Bord 16:36  
6 Pleanála; and, also, to allow for a reasonable time for  
7 the proposed development to be completed.

8  
9 The other change sought is that the definition of  
10 "approved development" be amended. I sent a report out 16:36  
11 to you dated 28th August and in that report we detailed  
12 some of the other changes requested to the lease, as  
13 well as the Council's response.

14  
15 So in conclusion, Cathaoirleach, the Council sought 16:37  
16 legal advice from Senior Counsel on the matter and the  
17 Members have been furnished with a copy of that legal  
18 advice. The Members have also been circulated with a  
19 copy of the Law Agent's letter of 21st March 2017 to  
20 our Senior Counsel, Ms. Sunniva McDonagh, and also her 16:37  
21 opinion dated 5th April. We also furnished a copy of  
22 the opinion of Mr. Lyndon MacCann, which was sent to  
23 the Council by Messrs. Knight Frank and which is  
24 referred to in the letter to Senior Counsel and in the  
25 Senior Counsel's opinion. 16:37

26  
27 The Council is of the view that the rent of €100,000  
28 per annum is likely to inhibit the prospects of a  
29 purchaser obtaining finance and being in a position to

1 develop the site.

2  
3 It is considered that having received a sale price of  
4 €14.4 million in 2008 and on the basis that Nechouka  
5 Limited discharges the rent due from 13th December 2009 16:38  
6 to 29th September 2017 in full, that the request to  
7 abate the rent for a period of five years up to 31st  
8 December 2022 to enable the site to be developed is  
9 reasonable in all the circumstances. Thank you,  
10 Cathaoirleach. 16:38

11 CATHAOIRLEACH: Cllr. Lawless.

12 CLLR. LAWLESS: Thanks, Cathaoirleach. Just a few  
13 things. Cathaoirleach, you said we just have to note  
14 this. I thought it was a reserve function that we'd  
15 have to vote on this but anyway. I'm glad to see that 16:38  
16 we're actually getting money. I don't understand why  
17 the money wasn't looked for a bit sooner, sooner and  
18 has accumulated. I do understand we have had a cash.

19  
20 My worry is we're entering into a similar contract from 16:39  
21 what I can read - now I'm not great on legal stuff -  
22 but for the next five years if the rent is one euro per  
23 annum, what's to say that we're not going to be back in  
24 the same situation again? There's also mentions of the  
25 development needs to be more generic. So, you know, my 16:39  
26 fear is, you know, that we need to make sure that when  
27 the plan does come before the Planning Department that  
28 we actually are getting the right facilities for the  
29 people at the Southern Cross.

1 So, yeah, I'm a bit dubious really. Obviously, you  
2 know, construction, you know, it goes up and down,  
3 depending on the economy. I just don't want to see  
4 this land sitting there again for another God knows how  
5 many years with no development on it and the people at 16:39  
6 the Southern Cross still don't have the facilities they  
7 were supposed to have originally, when the homes were  
8 being built there as well. And I'm just wondering if  
9 they don't, if nothing is built on the land for the  
10 five years, is the 100,000, does that come back in, is 16:40  
11 that clause still in place then within this new  
12 contract, Tom? There's just a few kind of small issues  
13 I have in or around it. Thanks.

14 CATHAOIRLEACH: Cllr. Fox.

15 CLLR. FOX: Thank you, Chairman. Well, my recollection 16:40  
16 of this whole transaction is that the land in question  
17 was pretty much the old Bray Town Council area, it was  
18 pre-abolition of Bray Town Council. Now, I know  
19 Wicklow County Council did have an interest in it and  
20 did receive some of the proceeds of the sale of the 16:40  
21 site, however, it was predominantly the old Bray Town  
22 Council. And the deal that was struck of the €100,000  
23 per year was a deal done effectively with what is now  
24 the Bray Municipal District or the old Bray Town  
25 Council. 16:41

26  
27 So I suppose for me the question is of the  
28 780-odd-thousand and what that is to be spent on? In  
29 my mind it should -- well, for a start, can I get

1 clarification that this is, this was not budgeted for?  
2 This money was not budgeted for in the 2017 budget so,  
3 therefore, it is money outside of what we agreed under  
4 last year's estimates or the budget for 2017? So it in  
5 no way affects the budget process. It's money that was 16:41  
6 garnered outside of that process. So, therefore, it  
7 can be spent on what the Members identify as in  
8 greatest need.

9  
10 For me, as Chairman of Bray Municipal District, I feel 16:42  
11 the money should be spent in the Bray Municipal  
12 District, in particular on a project like Bray Harbour  
13 or the Seafront. A one-off project. This is money  
14 that has come on a one-off that we weren't expecting  
15 and it should be spent on a one-off project in the Bray 16:42  
16 Municipal District. I feel strongly and I'd hope the  
17 Members from all districts would support me on this. I  
18 know other members in Bray feel the same and they're  
19 going to speak themselves. But there has been long  
20 discussions about the Bray Harbour and what is needed 16:42  
21 and required in Bray Harbour. It has silted up, to a  
22 large degree, and in fairness to Cllr. Matthews, when  
23 he was Chairman of the Bray Municipal District,  
24 highlighted the fact and had discussions down here with  
25 senior officials, there is -- money has to be spent on 16:42  
26 Bray Harbour and I feel this is an opportunity to get  
27 that much needed works done.

28  
29 So can I just get clarity on what's proposed for

1 €780,000? Is it to come down to Wicklow for an unknown  
2 purpose; or is it to be ring-fenced for the Bray  
3 Municipal District and a specific project? Thanks,  
4 Chairman.

5 CATHAOIRLEACH: Thanks, Cllr. Fox. Cllr. Vance. 16:43

6 CLLR. VANCE: Chairman, Cllr. Fox is proposing that it  
7 stays within the Bray Municipal District. I'd like to  
8 second that and I'd look for the support of all the  
9 Members of the Council in that regard to this.

10  
11 This has been a long drawn out saga. It originally  
12 went on, Cllr. Behan, I think, and myself are the only  
13 two Members left on the Council when this was made. It  
14 was sent out to public tender and we didn't like the  
15 tender and sent it back, I think it was €3.4 million or 16:44  
16 something and went back out again and a number of years  
17 later came back in at an unbelievable price of  
18 €14.4 million. Certainly my information on it is that  
19 Wicklow County Council didn't spend one penny on loan  
20 charges or anything like that, but effectively they got 16:44  
21 €7.2 million out of it. So I think the least Bray  
22 Municipal Authority should be getting at this stage  
23 now, given that this has arisen is that the full amount  
24 should be given to Bray Municipal Authorities to spend  
25 as they see fit and there are some major projects that 16:44  
26 need funding down there, that we haven't been able to  
27 fund over a long number of years.

28  
29 So certainly from that point of view I think that is



1 desirable and I would just ask other Members for their  
2 support on that because I think this was something  
3 really that if it comes back in and goes into a budget  
4 situation, nobody is going to get any benefit from this  
5 whatsoever and we have a derelict, almost derelict 16:45  
6 harbour down there at the moment and it needs  
7 significant funding and there has to be matching  
8 funding in it as well. So I mean that alone is one of  
9 the projects and I'm referring to other projects as  
10 well that need a huge injection of money which it 16:45  
11 doesn't like we're going to get in that regard to  
12 Wicklow.

13  
14 In regard to the deal that has been suggested here  
15 before us, I'd support the deal in respect that it is 16:45  
16 money upfront and I believe that it gives an incentive  
17 to any developer who wants to buy that land to develop  
18 that land because that land has been there for a long  
19 number of years, hasn't been developed. And certainly  
20 if after 2022, like what Cllr. Lawless was saying, that 16:45  
21 if in fact they haven't built it by then that the  
22 penalty clause should kick in, or there should be even  
23 an increase in the penalty clause in regard to that.  
24 Certainly with those caveats, certainly I would support  
25 the proposal as put before us, given that that money 16:46  
26 stays in Bray. Thank you, Chairman.

27 CATHAOIRLEACH: Thanks, Cllr. Vance. I would just ask  
28 Members to be brief because time is of the essence  
29 here. Cllr. O'Connor.

1           CLLR. O'CONNOR: Thanks, Cathaoirleach. Yeah, I'll be  
2           very short here. Thanks, Tom, for that. I just have a  
3           couple of questions. What happens when or if the full  
4           arrears are not paid, what will happen to the proposed  
5           agreement with Wicklow County Council? Will we end up 16:46  
6           in the same situation again in a couple of years' time?  
7           What efforts were made to secure the arrears  
8           previously? What efforts were made to secure the  
9           monies payable for the non-development of the site?  
10          And lastly, is there any connection between Nechouka 16:46  
11          Limited - I'm not sure my pronunciation is totally  
12          wrong there - and any potential developer of the site,  
13          if indeed there is a potential developer in mind?  
14          Thanks a million.

15          CATHAOIRLEACH: Cllr. Behan. 16:47

16          CLLR. BEHAN: Thanks, Chairman. First of all, I don't  
17          accept for one second that this is a report that should  
18          be noted by the Members. What is being proposed here  
19          is a variation of a very, very important lease. And to  
20          suggest that it just is thrown out on a nod to the 16:47  
21          Members, instead of a proper disposal of resolution, or  
22          a proper resolution to vary the lease is completely and  
23          utterly unacceptable. And, Members, no matter where  
24          they are from, from whatever part of the County, should  
25          be very, very wary of a breach of precedent where a 16:47  
26          lease of land, public land, is changed by officials of  
27          the Council rather than Members of the Council. If you  
28          look at the documentation the lease originally had to  
29          be signed by the Cathaoirleach of both Wicklow County

1 Council and Bray Urban District Council. So as far as  
2 I'm concerned it's completely wrong to suggest that  
3 this is just for noting. We can say a few things about  
4 it but actually we've got no input after that. I don't  
5 accept that for one second.

16:48

6  
7 But there's an even more fundamental issue at stake  
8 here, Cathaoirleach, and I appreciate a lot of  
9 documentation came with this. But Members should be  
10 aware that what you're about to vote for, if you agree  
11 with the recommendation of the Management of this  
12 Council, is a gift of €500,000 to one of the biggest  
13 vulture funds in the world. In the world. Because  
14 buried deep within the documentation is the statement  
15 that a vulture fund entitled Starwood, acquired the  
16 distressed loans that were part of this particular  
17 property group, Nechouka.

16:48

16:48

18  
19 Now I did a little bit of investigation on Starwood and  
20 this is what they say on their website:

16:49

21  
22 "Starwood Capital Group is a private investment firm  
23 which has acquired over \$90 billion worth of assets  
24 across virtually every major real estate class.

16:49

25  
26 Our funds generally take an opportunistic approach to  
27 global real estate investing and while operating amid  
28 widely disparate economic environments over the past 26  
29 years our funds have shared a focus on acquiring assets

1 with strong potential fundamentals and a significant  
2 discount to replacement costs."

3  
4 And their boast with regard to Ireland is:

5  
6 "Distressed investing is in our DNA. Across its last  
7 three funds the firm has acquired nearly 10.5 billion  
8 of unpaid principal balance non-performing loans  
9 sourced by engaging with domestic money centres and  
10 regional banks and supporting and forming strategic  
11 partnerships with the National Asset Management  
12 Agency."

13  
14 Ireland's bad bank.

15  
16 So the company or the investment fund, Starwood, are  
17 the people who are going to benefit from this decision.  
18 Effectively at the moment this particular company own  
19 this land. They've bought the loans. They're  
20 attempting to squeeze them now for every penny that  
21 they can get. At the moment there is €800,000 of  
22 public money owed on that site and what we're getting  
23 here today is a complete sock because what we're being  
24 told is, if we agree to this we can get  
25 700-and-something-thousand euros but we'll let off the  
26 other 500,000 up to 2022, let them away with it  
27 scot-free. That is outrageous, outrageous for any  
28 management of any local authority to come to Members  
29 and not specifically, at least point out what is

1 actually happening here, which is a gift to a vulture  
2 fund, vulture funds which have destroyed this country,  
3 with the connivance of NAMA, in handing out discounts,  
4 huge discounts, discounted prices on land that is Irish  
5 land, Irish property that should be put for the benefit 16:51  
6 of the people of this country. Now I ask Members,  
7 please think carefully before you accept this proposal.  
8 As far as I'm concerned they should be told first and  
9 foremost to pay up the €800,000 that we're owed at the  
10 moment. Then we can look at what the situation will be 16:51  
11 going forward. But my attitude is these are benefiting  
12 hugely from having bought discounted loans from NAMA  
13 already. We don't know how much. We know how much  
14 Superquinn paid for the land, we don't know how much  
15 Starwood have paid for the loans. It could have been a 16:52  
16 hell of a lot less.

17  
18 So don't be mesmerised by the fact that maybe a lot of  
19 money came in already in the past. This crowd are  
20 operated \$90 billion worth of assets and we here in 16:52  
21 County Wicklow are going to hand over another half a  
22 million. Well, I just don't think that's right.

23 Thanks, Chairman.

24 CATHAOIRLEACH: Cllr. Winters.

25 CLLR. WINTERS: Thanks, Cathaoirleach. Just before we 16:52  
26 agree, well if we agree that Bray gets hold of this  
27 money instead -- I just want to know from the Director  
28 of Finance was this money accounted for in the budget?  
29 Has it been accrued as a debt or has have we always

1 anticipated getting it and has it been provided for in  
2 the budget and I'd like a definitive answer on that,  
3 thanks.

4 CATHAOIRLEACH: The Director of Finance is not here.  
5 Tom Murphy might be able to. 16:53

6 CLLR. FITZGERALD: He is here.

7 CATHAOIRLEACH: With all due respect he just started  
8 today. You're very welcome as well, Brian.  
9 Cllr. Mitchell.

10 CLLR. MITCHELL: Thank you. First of all, I'd just 16:53  
11 like to say in relation to what Cllr. Behan said, I do  
12 think it's worth somebody answering that question and  
13 saying what are the facts on it? At the end of the day  
14 I suppose there are two requirements here, one is that  
15 we get as much as money as we can out of this and in 16:53  
16 whatever agreements were written up a long time ago  
17 before the crash, maybe they're not going to be  
18 enforceable, maybe they are, and I think we should make  
19 sure that we do get as much money out of this as  
20 possible. Also, I think there's a need to put the land 16:54  
21 into use in these days of housing shortage. So those  
22 are two requirements. I certainly would like to think  
23 that I'd like to see somebody producing just,  
24 preferably a simple explanation if that's possible,  
25 taking into account what Cllr. Behan has said and are 16:54  
26 we getting best value for money for this valuable site?  
27 Probably a very difficult thing in the world of high  
28 finance to actually decide whether that's the case or  
29 not. I think we should just know a little more about

1 it.

2

3 Secondly, on the point about the money staying in Bray,  
4 I mean I would accept the idea that the money raised in  
5 areas should stay in areas and that seems reasonable to 16:54

6 me. In that context I would point out that Bray spends  
7 40% more money per person than Greystones running the  
8 civic area. And so the money which is raised in

9 Greystones is not staying in Greystones and I think  
10 it's an important principle that it should and Bray is 16:55  
11 getting, for an urban area, a delux service when

12 spending 40% more money per person than is being spent  
13 in the Greystones area. So I would agree with the  
14 concept of the money staying in the area.

15 CATHAOIRLEACH: Thank you. Cllr. Fortune. 16:55

16 CLLR. FORTUNE: Thanks, Cathaoirleach.

17

18 I think before we do anything with this particular  
19 situation and while what's been said by some of the  
20 Members from Bray, that sounds great from a Bray 16:55

21 perspective and if money is in Bray I would agree it  
22 should stay in Bray. But I think what Cllr. Behan has  
23 raised is far more fundamental and I don't think

24 Cllr. Behan is prone to alarmism or anything like that.  
25 I think he has researched what he has put before us. 16:56

26 So I think in the very first instance we, as Members,  
27 certainly I speaking as a member myself, having  
28 listened to what Cllr. Behan has said, I think we need  
29 an explanation from the Management of the background to

1 this. what is the situation in regards to what  
2 Cllr. Behan has said? I think that's the very first  
3 thing we should do. You know, I would totally support  
4 and agree with Cllr. Behan's comments. And the way  
5 vulture funds have devoured this country and been 16:56  
6 allowed to do it and the way banks have just rowed in  
7 and got off scot-free and people have suffered in all  
8 kinds of ways. Despite the fact we have a rise, or a  
9 so-called rise going on in our economy, people are  
10 seriously hurting. I hear from people, not every day, 16:56  
11 but I hear from a lot of people still who are hurting,  
12 hurting, hurting because the banks just don't give a  
13 continental and they've got away scot-free. So I just  
14 think before, I will certainly take cognisance of what  
15 Cllr. Behan has said and I think the Executive owe us a 16:57  
16 full, open, transparent and frank answer to what's been  
17 asked here and what's been said.  
18 CATHAOIRLEACH: Cllr. Whitmore.  
19 CLLR. WHITMORE: Thanks, Chair. I'd like to think  
20 Cllr. Behan for raising this, I think it's something 16:57  
21 that we hadn't picked up on. I think it's something  
22 that we can't ignore. I think since I've joined the  
23 Council there's been a couple of instances where things  
24 have happened with, you know, long leases or the  
25 disposal of land where, you know, we had decided to let 16:57  
26 something run and therefore we can't go back on it. I  
27 think this is a point where we're at that juncture. We  
28 could sort of agree to go with it and in a few years'  
29 time we'd be asking ourselves the question why did we



1 hand over that 500,000. I think we need to, rather  
2 than rush down this route, I think we need to stop, at  
3 this point, and review what we're about to do.

4  
5 I'd like some legal advice. I mean this is a variation 16:57  
6 to a contract and I think we need legal advice as to  
7 whose decision this is. I doubt if -- you know, for us  
8 just to note it, it feels to me that actually, you  
9 know, that this should be a reserve function and  
10 something that we make a decision on. So I think first 16:58  
11 off we need to figure out who's responsible for making  
12 this decision, whether it's the officials or ourselves,  
13 and I think we need to review that decision; why we're  
14 doing it; what the value is to the Council. I mean I  
15 think sometimes we can go into these negotiations and 16:58  
16 we don't fight hard enough. We tend to roll over in  
17 the face of sort of big corporations, or the potential  
18 of bringing in 700,000. But actually, you know, as  
19 Cllr. Behan pointed out, in one hand we'll be taking in  
20 700,000 but with the other hand we'll be giving away 16:58  
21 500,000. And I think we owe it to the people of Bray  
22 and the people of Wicklow to actually look at this  
23 very, very carefully and to make sure that we  
24 completely understand what we're doing in this lease.  
25 That's my comment on it. 16:59

26 CATHAOIRLEACH: Cllr. Matthews.

27 CLLR. MATTHEWS: Thanks, Cathaoirleach. Can I just ask  
28 the Director that this site, a vacant site levy would  
29 apply to this size zoned land undeveloped, so there

1 would still be an income derived from it if nothing  
2 were to happen over the next five years and that we  
3 need to be careful because the vacant site levy is so  
4 full of holes, a landowner can get out of it quite  
5 easily. So I would like that part of it to be -- it 16:59  
6 would take the new owner's value on the land and the  
7 new owner's assets rather than a previous arrangement.  
8 I'd be guessing that someone who is coming in to  
9 purchase it and clear up this part of it either wants  
10 to sell it on or develop it. So I would hope, though 16:59  
11 we're not depending on income from the vacant site levy  
12 but I would expect that we would see some movement on  
13 it. It's a good site. Thanks, Cathaoirleach.

14 CATHAOIRLEACH: Cllr. Ryan.

15 CLLR. RYAN: Thanks, Cathaoirleach. Just clarity with 16:59  
16 regard to, if, in 2022 the site isn't developed, as per  
17 this agreement does it mean that those five years that  
18 they hadn't paid the money for, will then become a bill  
19 based on that moment in time? Because I think that  
20 should be the case because honestly, you know, whether 17:00  
21 it's a vulture fund or who, I actually don't give a  
22 damn. What I want to know is, is this good business  
23 for the people of Wicklow, through Wicklow County  
24 Council? So Wicklow need to figure out whether or not  
25 this deal actually does make sense and that we're 17:00  
26 getting a fair amount of money for the situation we  
27 find ourselves in. But really, the big thing to me  
28 also is the people on the Southern Cross who were  
29 promised that we were going to have development there,

1           instead of just houses sitting in the middle of nowhere  
2           with no services. So anything we can do to actually  
3           leverage a deal that will actually see that land  
4           developed and services provided to the people at  
5           Southern Cross, to me is something that we should           17:01  
6           really fight hard to do. I do think, because this was  
7           an historical deal that was done prior to the abolition  
8           of Bray Town Council the funds, the €780,000 should go  
9           to Bray. I think that's just fair. And I agree with  
10          Cllr. Fox's proposal that either that money should be           17:01  
11          ring-fenced for Seafront and Harbour development. I  
12          think that makes sense. Thank you.

13          CATHAOIRLEACH: Cllr. O'Brien.

14          CLLR. O'BRIEN: Well, it certainly wouldn't be the only  
15          property that has been lying idle in Bray for many,           17:01  
16          many years. Take AO Smith's and you take Dell as well.  
17          I think the shocking thing here is that, Cllr. Behan  
18          mentioned vulture funds but there's also a lot of  
19          vulture developers out there and we seem to be waiting  
20          in their hands all the time if we're going to do           17:01  
21          anything. We've a big homeless and housing problem in  
22          Bray. There's land lying idle there and we wait for  
23          these developers to make their big bucks here. And I  
24          would tend to go with what Cllr. Behan is saying there,  
25          you were saying make them pay their full -- isn't it           17:01  
26          amazing that the guys that have all the money, that  
27          they're the guys that don't pay. It would be nothing  
28          to them to throw another 300,000 in on top. These are  
29          the same guys that wanted to behave like they've all

1 behaved. It's business and I think Cllr. Ryan  
2 portrayed a lot of it there when he used words like  
3 "deal" and get the best thing and best that. I mean if  
4 that's what life is about, is about making deals and  
5 waiting around for people and waiting around for things 17:02  
6 to happen. It's shocking. I mean the site's lying  
7 idle there for many, many and years and people saying  
8 they're personal property and stuff like that. That's  
9 wrong. AO Smith is owned by someone in Galway, or  
10 something like that, and you've to wait for them to 17:02  
11 decide and meanwhile -- we need to just, I think  
12 Cllr. Fortune often says it here. We need a new way of  
13 doing business, and a more direct way of doing  
14 business. I think that's what you're talking about,  
15 Cllr. Fortune. The people are the ones that are being 17:02  
16 let down by this while these big lads swag around there  
17 with the land of the people in Bray. So I would back  
18 you there, Cllr. Behan, saying look for the full  
19 300,000 as a start and then go from there.

20 CATHAOIRLEACH: Cllr. Fitzgerald. 17:02

21 CLLR. FITZGERALD: Just at the outset I'd have no  
22 problem with the monies going to the old Bray Town  
23 Council area. Certainly from what the Members are  
24 saying they badly need it. But what I do have an issue  
25 with. I read a report yesterday, partly today as well, 17:03  
26 of how vulture funds are treating people. There are  
27 many people who are at risk of being homeless; houses  
28 are being repossessed. In my home town of Arklow many  
29 houses have been repossessed and left idle without

1 going into numbers. And once you mention "vulture  
2 funds" to me I have doubts. And I certainly won't be  
3 supporting what's before me here today. I'd need  
4 further information on it, to be quite honest about it.

17:03

5  
6 Is it an urgency to get it through today? Is it our  
7 function really? Can we stop it? I don't think we  
8 can. It's not our -- this is, this is what you call an  
9 Executive function, isn't it? I mean it has just come  
10 in front of us for information.

17:03

11 CATHAOIRLEACH: That's my understanding.

12 CLLR. FITZGERALD: Whether we vote against it or for  
13 it, it can still go. Is that true?

14 MS. GALLAGHER: There's no vote.

15 CATHAOIRLEACH: There's not vote.

17:04

16 MS. GALLAGHER: There's no vote. This isn't a motion.

17 CLLR. FITZGERALD: There's no motion.

18 CATHAOIRLEACH: The Director will come back in and deal  
19 with all the questions but my understanding is it's not  
20 our function to vote on this.

17:04

21 CLLR. FITZGERALD: I just keep saying this again: How  
22 the vulture funds have operated into this country since  
23 they came into it. And Cllr. Behan quoted some  
24 figures. There were figures on the paper, I think it  
25 was yesterday I seen it, how they're dealing with  
26 people in housing and we know the difficulties we have  
27 in this country. So I just have my, I just have an  
28 issue with the whole thing. I mean I knew nothing  
29 about Starwood. It's not in the report, is it?

17:04

1 CLLR. BEHAN: It is.

2 CLLR. FITZGERALD: Is it in it? I must have left it --  
3 is it in this report?

4 CLLR. BEHAN: Yes. The idea of having an intensive is  
5 Starwood's idea. 17:04

6 CLLR. FITZGERALD: I must have missed a page.  
7 Certainly I would have Googled them if I had known  
8 that, but I didn't know that. I'd have huge  
9 reservations about it at the moment.

10 CATHAOIRLEACH: Cllr. Kavanagh. 17:05

11 CLLR. KAVANAGH: Thanks, Cathaoirleach. I would be  
12 extremely nervous of this. It's not for no reason that  
13 the word "vulture fund" is, a vulture is a bird of prey  
14 that hovers on the weak and I think this is exactly the  
15 kind of thing that we need to avoid. This country has 17:05  
16 been absolutely decimated. People have become homeless  
17 through vulture funds and I also think that this land  
18 has the potential to be extremely valuable down the  
19 line. It's in an absolutely wonderful location for  
20 development near the DART, near everything. And as 17:05  
21 regards development I work on the Southern Cross Road.  
22 I work in an industrial estate where there are loads  
23 and loads of factories and buildings lying vacant so I  
24 don't think there's any problem with finding  
25 development land there already. But I think this land 17:05  
26 should not be sold off just to the highest bidder, or  
27 at least the loan just written off, or the amount that  
28 they owe us.

29

1 The amount of €800,000 is only chickenfeed to what this  
2 land could be worth down the line and I think it would  
3 be very careless of us to just throw it away to  
4 somebody that is just waiting to pick the bones of the  
5 Council here. Thank you. 17:06

6 CATHAOIRLEACH: Cllr. Doran.

7 CLLR. DORAN: Through the Chair, thank you. Once I  
8 hear about "vulture funds" there's always a bad smell.  
9 I have seen very decent people lose their property and  
10 lose their homes and one thing and another through 17:06  
11 vulture funds. And we've been thrown a carrot here. A  
12 carrot. We're being thrown nothing to buy us off and I  
13 hope we're not foolish enough to go down that road. I  
14 will definitely not be supporting this motion, or  
15 whatever motion comes up, to have anything to do with 17:07  
16 that type of people. They're throwing us a few pound.  
17 The site is worth billions and they're hoping that  
18 people will fall for it. I just want to say that I  
19 don't mind where the money is spent, provided it is  
20 spent in County Wicklow but I cannot and will not 17:07  
21 support this.

22 CATHAOIRLEACH: Cllr. Lawless.

23 CLLR. LAWLESS: Thanks, Cathaoirleach. I'll be brief  
24 because I was in before. I actually would like to  
25 thank Cllr. Behan for highlighting this. Like 17:07  
26 everybody else here, when you hear "vulture funds" it  
27 does make you very, very nervous and I find it really,  
28 really difficult to believe that this document, that we  
29 don't have some kind of say on this. I mean this is a

1 massive piece of land and it's a huge development and  
2 we don't have a vote on it and it's really, really  
3 annoying. Also, I'm just kind of glancing through  
4 documents, and maybe I'm reading this out of context,  
5 but they've also noted in one of their legal replies 17:07  
6 that they don't actually even want to start developing  
7 until 2022 anyway in June, and also, there was an offer  
8 of only 510,000 instead of 780,000. So maybe I'm  
9 reading it out of context but, again, I'd like  
10 clarification. You know, it's kind of conflicting 17:08  
11 stuff here as well so I would be very, very nervous  
12 over this and especially with the mention of Starwood.  
13 I mean we all know what they're like. So I wouldn't be  
14 supporting this at all.

15 CATHAOIRLEACH: Cllr. Vance. 17:08

16 CLLR. VANCE: Chairman, whether people like it or not  
17 these people own the land. We don't own the land. I  
18 get from, like from listening to some people here the  
19 impression that it's our land. It's not our land. We  
20 sold 1.7 acres for one of the best prices in the 17:08  
21 country at the time. So we've sold all our interest in  
22 regard for this and what we have is an agreement, an  
23 agreement in --

24 CLLR. BEHAN: We've a lease on it. We're leaseholders.  
25 We haven't sold it. They have a lease on it. 17:09

26 CLLR. FOX: 900 years, that's a freehold.

27 CLLR. BEHAN: That's why we have a lease.

28 CLLR. VANCE: The point -- do you want to leave the  
29 land -- like what Cllr. Ryan was saying there. People



1 up in the Southern Cross have been waiting what twenty  
2 years for shopping facilities and facilities up there.  
3 If this land is zoned for that particular reason.  
4 There's other, there's options we can do. We can sit  
5 on this and do nothing about it; we can put the 100,000 17:09  
6 a year into various things like that; or we can try and  
7 do something about it. I just want to throw this out  
8 that if we have an agreement in regard to taking the  
9 €770,000, or whatever it is, and giving them the five  
10 years on condition that if they didn't build within 17:09  
11 that five years that we would then recoup €100,000 for  
12 each of those five years. So that's a penalty and an  
13 incentive for them to go in and build on that  
14 particular land and provide the facilities up there  
15 that the people so badly need. 17:10

16  
17 All I'm just saying is that the easiest thing to do is  
18 to do nothing on this and say they're vulture funds and  
19 don't deal with them. Whether we like it or not, we're  
20 going to have to deal with somebody who buys that land. 17:10  
21 That's what's going to happen. And it is, no matter  
22 what way, like anything in this country it's so hard  
23 between the planning process and everything else, it'll  
24 take two years before the start of a planning stage to  
25 the type of completion of a plan nearly before you 17:10  
26 build on that at all.

27  
28 So I'm just saying, like it's easy for people to say,  
29 listen, don't go down this road and all this. That's

1 fine. I don't mind, but at the end of the day what  
2 could happen is that you could be left in five years'  
3 time with people up there with having no facilities,  
4 again for another five years. Or we could use this  
5 maybe as an opportunity to try and push for a 17:11  
6 development up there that's so badly needed. If we can  
7 put penalties in for the delay that the people would  
8 have and give some sort of incentive for people to come  
9 in and put in a planning permission and build at the  
10 time. That's all I'm saying in regard to that. I 17:11  
11 think we've no option. Well we have an option, we can  
12 do nothing about it or we can force the €100,000 a  
13 year. But I don't know whether that's going to -- I'd  
14 prefer not to be dealing with vulture funds at all but  
15 we have to deal with reality. They have the land so we 17:11  
16 have to deal with the people who own the land.  
17 CATHAOIRLEACH: Could I just briefly say, I mean what  
18 should guide us around this table is what's best for  
19 County Wicklow and obviously in this case Bray. So  
20 that's what should be our guiding principle. Whether 17:11  
21 we like vulture funds or not is not really the point.  
22 You know, they're fair points and it's good to bring it  
23 up and all information is relevant. But we have to  
24 decide what we're actually going to do here. We can  
25 criticise vulture funds and sit round here, that 17:12  
26 doesn't actually get us anywhere. What are we actually  
27 going to do? What's going to be the outcome here? So  
28 I'm interested in people coming forward with a proposal  
29 as to what the outcome should be and working in

1 conjunction with Management to come up with an outcome  
2 that's best for County Wicklow. Cllr. Whitmore.

3 CLLR. WHITMORE: Thanks, Chair. I think at the moment  
4 everything that we're saying could be academic. I mean  
5 we don't even know whether or not we have the role in 17:12  
6 deciding this. So I think the first thing we should do  
7 is actually seek legal advice as to whose decision this  
8 is and I would be making that proposal that we do that  
9 because, you know, without that we have potentially no  
10 say. So I think that's the first thing that we should 17:12  
11 be doing and then I think we need to sit down and  
12 really look. I understand that we don't own this land  
13 and that we do have to deal with the owners but we need  
14 to make sure that we get the best possible deal and I'm  
15 not convinced that that's the case at the moment. The 17:12  
16 800,000 or 700, whatever that's coming anyway because  
17 that's owed to us. So that's not, my understanding, at  
18 risk, that we would be getting, it's just whether going  
19 forward we want to hand over or relieve them of  
20 €100,000 per year rent and I don't think we are really 17:13  
21 in a position, at this point, to make that decision.  
22 So I propose that we seek legal advice as to whose  
23 function this is and whether a variation of this size  
24 does come back to the Members for approval.

25 CATHAOIRLEACH: Sorry, the Director would like to come 17:13  
26 back in.

27 MR. MURPHY: Cathaoirleach, the correspondence from  
28 Knight Frank states that the loans secured on assets  
29 associated with David Courtney and others, which

1 include the development sites, investment properties,  
2 shopping centres and office buildings were sold by NAMA  
3 in August 2013 and were acquired by Starwood. So  
4 that's not buried in the correspondence, it's part of  
5 the correspondence. 17:14

6  
7 The original disposal by way of lease was agreed by  
8 Bray Town Council and Wicklow County Council back in  
9 2007/2008. That was a reserve function. The variation  
10 of a lease is not a reserve function. 17:14

11  
12 when the original lease was drawn up it was not  
13 envisaged that the full lease rent of €100,000 per  
14 annum would be activated. The simple fact is that  
15 Nechouka Limited - the property arm of Superquinn - 17:14  
16 paid an exceptional amount of €14.4 million at the  
17 time. Superquinn had a full clean planning permission  
18 and the proposed mixed use development, which comprised  
19 supermarket, retail units, community and medical  
20 facilities was widely welcomed by the Members of Bray 17:14  
21 Town Council and Wicklow County Council and I think  
22 everybody acknowledged that it was much needed by the  
23 citizens and households in the Ballywaltrim area.  
24 Unfortunately, the full effects of the economic  
25 recession kicked in in the latter part of 2008 and it is 17:15  
26 only now that some confidence is coming back into the  
27 market.

28  
29 In relation to the approved development, Cllr. Lawless,

1 that was framed at the time around the existing  
2 planning permission that Superquinn actually had. That  
3 planning permission has now expired so any future  
4 planning application will have to comply with the  
5 Development Plan.

17:15

6  
7 Just for context; Knight Frank, at the start of the  
8 negotiation process offered the Council a sum of  
9 €510,000 in return for varying the lease. We  
10 subsequently sought and received legal advice from our  
11 Senior Counsel and that legal advice was circulated to  
12 the Members. I do appreciate there was a fair bit of  
13 correspondence circulated with the report but that was,  
14 we wanted to provide the Members with full disclosure  
15 but on page 9 of our Senior Counsel's advice she  
16 advised that there is always a risk in litigation and  
17 that is worth buying off such a risk in any  
18 negotiation.

17:15

17:16

19  
20 Also in that same advice our Senior Counsel expressed a  
21 view that the offer of €510,000 was somewhat low. So  
22 we went back to Knight Frank and negotiated further.  
23 The offer now on the table is €778,219 which will, in  
24 effect, fully discharge all outstanding amounts due.  
25 Given that the Council has already been paid  
26 €14.4 million for this 1.78 acre site, and is now due  
27 to receive a further €778,219. We feel that it is not  
28 a bad deal. The site has remained undeveloped for far  
29 too long. By finalising this matter we feel that there

17:17

1 is an incentive to any potential purchaser to build out  
2 the much-needed community facilities for the  
3 Ballywaltrim area by giving them a five-year free  
4 window, rent-free window. If, at the end of the  
5 five-year period the proposed development is not built, 17:17  
6 the annual rent of €100,000 will apply.

7  
8 what we have been advised is that if the property is  
9 put on the market with the annual rental liability of  
10 €100,000 it is unlikely that it will be purchased and 17:17  
11 ultimately it will remain undeveloped.

12  
13 So we're not handing over €500,000, we are responding  
14 to a proposal to have the rent abated for five years.  
15 Thank you, Cathaoirleach. 17:18

16 CATHAOIRLEACH: Thank you. Cllr. winters.

17 CLLR. WINTERS: Thanks, Cathaoirleach, and thanks,  
18 Director, for clearing up a lot of the, I suppose,  
19 maybe red herrings that were going round the room. The  
20 Cathaoirleach is correct, we owe it to the people of 17:18  
21 Wicklow, who elected us, to do the best deal for the  
22 people of Wicklow. Who the other players are in any  
23 deal is irrelevant if you are doing your job here as a  
24 Councillor. It's to do the best deal for the residents  
25 and the citizens of Wicklow. Thank you. 17:18

26 MR. MURPHY: One other point I just want to make,  
27 Cathaoirleach, that is the money has not been included  
28 in the 2017 budgetary arithmetic. So when it is paid  
29 it will be lodged into Wicklow County Council's revenue

1 account and ultimately the Members of Wicklow County  
2 Council would have a significant say in how that is to  
3 be spent.

4 CATHAOIRLEACH: Cllr. Fortune.

5 CLLR. FORTUNE: Thanks, Cathaoirleach. I would put 17:19  
6 forward that the easiest thing for us not to do is not  
7 to do nothing. I would think that's not the case at  
8 all. I think it's the opposite.

9  
10 I understood and maybe I'm misinformed, but I 17:19  
11 understood the moving on of assets or leases is a  
12 reserve function.

13  
14 Really, listening to Mr. Murphy, obviously the  
15 Executive have far more paperwork than what we've been 17:19  
16 shown and I don't, I'd have to disagree with  
17 Cllr. Winters, I don't know what she means by red  
18 herrings, I'd like her to explain that, what she's  
19 talking about when she's talking about red herrings.  
20 Also I'd like to know -- now, before the Executive came 17:20  
21 to us today and put this before us the way you did, had  
22 ye looked at who Starwood were or what was involved  
23 here? who negotiated with Knight Frank? In other  
24 words, you're saying, you're saying in part of your  
25 explanation coming back there that they had offered 17:20  
26 €501,000 and Senior Counsel said I think it's worth  
27 more than that, so you went back and then they put it  
28 up to 788,000. I mean, does that mean they could put  
29 it up to 1 million, 1.2 million, 1.3 million? And I

1 think, you know, I'm saying that in the context of what  
2 Cllr. Behan has put forward us. I'd have to say,  
3 trying to do my job as a public representative, I  
4 certainly would need a lot of explanation about all of  
5 that. You know, at the end of the day if we got this 17:20  
6 great big figure of 14.4 million and we think we got  
7 done very, very well that's fantastic. At this point  
8 in time it's moved on in all kinds of different ways  
9 and different reasons. I just feel we need an  
10 explanation better than what we're getting from the 17:21  
11 Executive on this. I really do.

12 CATHAOIRLEACH: Cllr. O'Brien.

13 CLLR. O'BRIEN: My worry again is people in this  
14 country are fed up of waiting and hoping. You are  
15 opening another five-year window, that would be ten 17:21  
16 years, that would be 15 years altogether that the  
17 people of the Southern Cross area are waiting for  
18 facilities. That clearly shows you that the system is  
19 fecked. It is a total mess. They've been waiting 15  
20 years. There's going to be a wait for (inaudible due 17:21  
21 to mic not being switched on). Come on, it doesn't  
22 make sense to open another window of five years.

23 (Inaudible due to mic not being switched on). There's  
24 many people in Bray that would be mad to get involved  
25 there and get business and get going. The people at 17:22  
26 Southern Cross mad looking for shops. We have to  
27 (inaudible due to mic not being switched on). We just  
28 need to start looking at things at little bit  
29 differently.



1 CATHAOIRLEACH: Cllr. Behan.

2 CLLR. BEHAN: I know Members want to get going with  
3 other motions but I just think it is a fundamental  
4 issue and apologies for coming back in. I just think  
5 it's vitally important to understand vulture funds and 17:22  
6 our attitude to them I think we would all have the same  
7 response to them. But my point also is, this has been  
8 a very bad negotiation. Apart from anything else,  
9 we're effectively saying to one of the most fabulously  
10 wealthy investment funds in the country that we're 17:22  
11 going to give you a half a million because you say that  
12 site isn't marketable or it won't move. The property  
13 values have not just made a little bit of a return,  
14 they're back to the levels they were in 2008 at the  
15 height of the boom, 2007. And even as Cllr. Fortune 17:22  
16 has pointed out, holding off from 500 to nearly 800,  
17 another 300,000 was delivered for the people of County  
18 Wicklow. As you say, Cathaoirleach, that's our  
19 responsibility. I accept that. My attitude is that  
20 this group are responsible for 90 thousand million 17:23  
21 dollars worth of property in the world. Here we can't  
22 hold out for another 500,000 to get the duly put debt  
23 on that land to get it back. It's our money. The  
24 lease was drawn up with that provision in it. So it's  
25 actually public money and we're going to be told now, 17:23  
26 we're now going to be told we don't even have a say in  
27 it; the people at the top are going to decide it for  
28 us. But it's okay to give them that half a million.  
29

1 Now on that point about whether it's our responsibility  
2 or the Management. The lease had to go before the  
3 Members of Wicklow and Bray. The most fundamental  
4 aspect of the lease was the fact that there was  
5 €100,000 per year to be paid on it. Now the officials 17:24  
6 are saying we're going waive that. That's okay. We'll  
7 tell you about it but we're doing it.

8 CATHAOIRLEACH: Just to interrupt you one second, Joe.  
9 We've five minutes left of the meeting and five  
10 speakers ahead. I'll give one minute to each person 17:24  
11 then and that's the end of the meeting. Cllr. Ryan is  
12 next. Just one minute, John.

13 CLLR. RYAN: Cathaoirleach, my only question is, with  
14 regard to you saying in 2022 if they haven't developed  
15 the land that the charges will apply "in retrospect" is 17:24  
16 what I ask you to actually put in there so that they  
17 know that if it's developed by 2022 they pay those  
18 500,000 over, that they should have owed over the last  
19 five years. I think that then would be okay.

20 CATHAOIRLEACH: Cllr. Vance. 17:24

21 CLLR. VANCE: Sorry, Chairman, that is exactly what I  
22 was going to propose as well and that effectively means  
23 that if no development goes up there this Council will  
24 not be at a loss.

25 CLLR. BEHAN: That's a present of €500,000. 17:25

26 CLLR. VANCE: It's not a present of €500,000.

27 CLLR. BEHAN: They should pay the money they owe today  
28 and then we should negotiate. They should pay what  
29 they owe today. €800,000 is what they owe.

1 CLLR. VANCE: I'm just saying I'd be happy --  
2 CATHAOIRLEACH: Is that a proposal.  
3 CLLR. VANCE: It gives these --  
4 CLLR. BEHAN: A rate payer in this country wouldn't be  
5 let out with €800 never mind -- 17:25  
6 CLLR. VANCE: It gives an opportunity for people to  
7 build. The sooner they build the sooner we get rates  
8 on it as well remember. Remember.  
9 CATHAOIRLEACH: Cllr. Winters. Just be brief, please.  
10 CLLR. WINTERS: Thanks, Cathaoirleach. I just think 17:25  
11 that Cllr. Whitmore's point is very relevant. The  
12 disposal of an asset is a reserve function. If we  
13 change the conditions of the disposal of an issue I  
14 think she's right, we should get a written legal  
15 opinion not just a nod from the top table to say well 17:25  
16 actually it's not. I want it in black and white; is it  
17 our function or is it not our function? Thanks.  
18 CATHAOIRLEACH: Cllr. O'Connor --  
19 CLLR. WHITMORE: I put that proposal.  
20 MS. GALLAGHER: Do we have a seconder? 17:26  
21 CLLR. FORTUNE: I second it.  
22 CLLR. O'CONNOR: In connection with Cllr. Vance's  
23 suggestion about the penalty clause, there was already  
24 a penalty clause involved in that. They didn't pay up  
25 then, they're hardly going to pay up now. 17:26  
26  
27 Secondly, I asked before what efforts were carried out  
28 by Wicklow County Council to get the money off these  
29 people, namely the rent and the penalty clause and

1 could I have an answer to that, please, Tom.

2 CATHAOIRLEACH: Cllr. Doran, you'll have to brief, one  
3 minute left of the meeting.

4 CLLR. DORAN: It's a bit of a laugh. We can't get the  
5 money that we're owed now. Now what are we going to 17:26  
6 get in five years' time in the God of name?

7 CLLR. BEHAN: \$90 dollars they have and we can't get  
8 800,000 off them.

9 CLLR. DORAN: They'll be kicking for touch again. Like  
10 how stupid do they think we are? 17:26

11 CLLR. BEHAN: It's a joke. Fiasco is what it is.

12 CLLR. DORAN: I'm not stupid in regard to dealing with  
13 money. I can guarantee you that.

14 CLLR. FITZGERALD: I know you're not!

15 CATHAOIRLEACH: Sorry, Members, we have two -- 17:27

16 CLLR. DORAN: -- all me life and I wouldn't walk into  
17 it now.

18 CATHAOIRLEACH: The end of the meeting is imminent.  
19 We've two proposals, one from Cllr. Whitmore and one  
20 from Cllr. Ryan. 17:27

21 MS. GALLAGHER: Proposal from Cllr. Whitmore seconded  
22 by Cllr. T. Fortune is that we seek legal advice as to  
23 whose function it is, whether it is reserve or an  
24 Executive function in terms of varying the lease.  
25 17:27

26 Then the second proposal is proposed by Cllr. Ryan and  
27 seconded by Cllr. Vance that we proceed as outlined and  
28 if 2022 comes along and the development hasn't  
29 commenced, that the charges of €100,000 per annum will

1 apply retrospect.

2 CLLR. BEHAN: I have a proposal, Chairman.

3 CATHAOIRLEACH: Cllr. Behan.

4 CLLR. BEHAN: I propose that we immediately demand the  
5 €800,000 that we're owed and that we reject this deal 17:27  
6 and we look at the situation down the road after we get  
7 the €800,000.

8 CLLR. O'CONNOR: I second that.

9 CATHAOIRLEACH: It's not a voteable item so I can't  
10 take a vote on it and the meeting is now closed. 17:28

11 MS. GALLAGHER: I think that was seconded by  
12 Cllr. O'Connor.

13 CLLR. BEHAN: What?

14 MS. GALLAGHER: We have three proposals to vote on. We  
15 have got two minutes so we're not going to vote on 17:28  
16 them. The meeting is concluded.

17 CLLR. VANCE: How can we vote on a proposal that we  
18 don't even know if we have the legal right to dispose  
19 of them?

20 CLLR. WHITMORE: Can we vote on that proposal and get 17:28  
21 the legal advice? Can we agree it?

22 CLLR. LAWLESS: Just agree it.

23 CATHAOIRLEACH: Is it agreed then to go for legal  
24 advice on whether the Executive function is out?

25 CLLR. BEHAN: And nothing else should happen in the 17:28  
26 meantime.

27 CATHAOIRLEACH: And the item temporary is put on hold  
28 until the next meeting then. Okay.

29 CLLR. VANCE: Sure we can't vote on something that you

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don't know.

CATHAOIRLEACH: We'll bring it back on the 25th  
actually, three weeks' time then. Okay.

THE MEETING WAS THEN CONCLUDED

17:28

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