

MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 14th MAY 2018, COMMENCING 2PM

PRESENT:

COUNCILLOR E.TIMMINS, CATHAOIRLEACH, COUNCILLORS T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, T. CULLEN, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, T. FORTUNE, C. FOX, M. KAVANAGH, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. MITCHELL, D. NOLAN, O.O'BRIEN, G. O'NEILL, J. RUTTLE, J. SNELL, B. THORNHILL, P. VANCE, G. WALSH J. WHITMORE AND I. WINTERS (28)

APOLOGIES: CLLR. G. MCLOUGHLIN, M. MURPHY, M. O'CONNOR AND J. RYAN (4)

IN ATTENDANCE:

**MR. F. CURRAN, CHIEF EXECUTIVE
MR. S. QUIRKE, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MR. D. O'BRIEN, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. M. GEANEY, A/DIRECTOR OF SERVICES
MR. B. GLEESON, HEAD OF FINANCE
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. B. KILKENNY, SENIOR ENGINEER
MS. S. WALSH, SENIOR PLANNER
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER
MS. B. HARVEY, EXECUTIVE PLANNER
MR. D. MARNANE, A/SENIOR ENGINEER
MS. A. MINION, ADMINISTRATIVE OFFICER
MR. D. FORDE, DISTRICT ADMINISTRATOR
MS. D. MAGUIRE, EXECUTIVE ENGINEER**

Votes of Sympathy

Elected Members passed votes of sympathy to the families of the late; Mr. Charlie Melia, Ms. Catherine Fitzgerald, Mrs. Kathleen Brennan and Mrs. Maria Brennan. A minutes silence was observed for the deceased

Suspension of Standing Orders

Graveyard Policy

Cllr. T. Cullen proposed a suspension of standing orders to discuss the policy on graveyards, which he understood was to be listed on the agenda, this was seconded by the Cathaoirleach, Cllr. E. Timmins. It was agreed to discuss this matter at 4.30 p.m.

The Florentine Centre

Cllr. J. Behan proposed a suspension of standing orders which he said was to discuss the Florentine Centre and the altering of building terms without reference to the elected members and also the question of requests from the developer to add a residential element to the development which

was not included in the original proposal without advance notice to the elected members. This was seconded by Cllr. B. Thornhill.

Suspension of upgrade Work to the N81

Cllr. G. O'Neill proposed a suspension of standing orders to discuss the suspension of works to the N. 81. This was seconded by Cllr. J. Ruttle and agreed. Cllr. N. Lawless advised that she understood that a meeting is to take place between Minister Shane Ross and the County Wicklow Dail Deputies and that an invitation to attend will be extended to delegates from West Wicklow.

KWETB

Cllr. B. Thornhill proposed a suspension of standing orders in relation to the KWETB. He said that there are 5 Elected Members of Wicklow County Council on the KWETB and that legal advice had been give to one elected Member, Cllr. J. Ruttle. He asked for a statement in the matter. The proposal was seconded by Cllr. J. Behan. Cllr. T. Annesley, KWETB Committee member, advised that this matter was to be a subject of a presentation of the Public Accounts Committee shortly and that it would all be discussed publically in time. Following a brief discussion on the matter and on this basis, Cllr. B. Thornhill withdrew his request.

Register of Electors – expression of thanks

Cllr. J Whitmore proposed a vote of thanks to the staff of the Franchise Section the huge effort and hours of work which was put into the preparation of the register of electors for the upcoming referendum.

ITEM NO 1

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 12th March, 2018.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. N. Lawless and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 12th March, 2018.

ITEM NO 2

To confirm and sign minutes of special meeting of Wicklow County Council held on Wednesday 28th March, 2018.

It was proposed by Cllr. J. Snell, seconded by Cllr. P. Vance and agreed to confirm and sign minutes of special meeting of Wicklow County Council held on Wednesday 28th March, 2018.

ITEM NO. 3

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 9th April, 2018.

It was proposed by Cllr. G. Dunne, seconded by Cllr. S. Matthews and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 9th April, 2018.

ITEM NO 4

To consider the disposal of the freehold interest in the property known as 75 O'Byrne Road, Bray, Co. Wicklow to Ms. Wilhelmina Cox, 75 O'Byrne Road, Bray, Co. Wicklow.

It was proposed by Cllr. P. Vance, seconded by Cllr. C. Fox and agreed to dispose of the freehold interest in the property known as 75 O'Byrne Road, Bray, Co. Wicklow to Ms. Wilhelmina Cox, 75 O'Byrne Road, Bray, Co. Wicklow.

ITEM NO 5

To consider the disposal of property known as 4 Bath Street, Wicklow, Co. Wicklow to Augustus Cullen as Legal Personal Representative of Annie Carroll, deceased.

L. Gallagher advised that the elected members were circulated with an additional map prior to the commencement of the meeting showing an additional small parcel of land which should have been included in the original map circulated to the elected members with the S183 notice dated the 23rd of April, 2018 and circulated to the elected members. Following a request from the elected members for clarification in relation the valuation remaining the same, the Members were advised that the valuation is based on the fill site, 1/8 being the multiplier going from leasehold to freehold.

It was proposed by Cllr. G. Dunne, seconded by Cllr. J. Snell and agreed to dispose of property known as 4 Bath Street, Wicklow, Co. Wicklow to Augustus Cullen as legal personal representative of Annie Carroll, deceased.

In response to clarification sought by Cllr. J. Snell on the status of the Councillors working group set up to consider information to be circulated with S.183 notices, Cllr. J. Snell was advised by the Meetings Administrator that the committee referred to was set up to consider documentation, procedures and processes and not to consider individual S183 disposal notices. Cllr. Snell asked for the committee's report to be re-circulated to the elected members.

ITEM NO 6

To consider the disposal of 0.0515 hectares (0.127 acres) or thereabouts of land in the townland of Glencap Commons North, Co. Wicklow to Mr. Michael Ronan and Mrs. Maura Ronan of Symphony House, Kilmacanogue, Co. Wicklow.

Cllr. C. Fox sought clarification on the land included in the map as he understood that this might be where the current N11 is situated. On receipt of clarification provided with by officials on the floor, it was then proposed by Cllr. C. Fox, seconded by Cllr. P. Vance and agreed to dispose of 0.0515 hectares (0.127 acres) or thereabouts of land in the townland of Glencap Commons North, Co. Wicklow to Mr. Michael Ronan and Mrs. Maura Ronan of Symphony House, Kilmacanogue, Co. Wicklow.

ITEM NO 7

To consider the disposal of 0.8048 hectares (1.99 acres) in the townland of Inchanappa, Ashford, Co. Wicklow to Mr. John Fitzpatrick, Inchanappa, Ashford, Co. Wicklow.

It was proposed by Cllr. G. Dunne, seconded by Cllr. S. Cullen and agreed to dispose of 0.8048 hectares (1.99 acres) in the townland of Inchanappa, Ashford, Co. Wicklow to Mr. John Fitzpatrick, Inchanappa, Ashford, Co. Wicklow.

ITEM NO 8

To receive presentation: Wicklow Local Link.

The Cathaoirleach welcomed Mr Eric Bentley and Mr. Jackie Mealey present in the Chamber to give a presentation to the Elected Members. Mr. Eric Bentley presented on the following areas:-

Wicklow LocalLink Network Expansion Consultation

LocalLink Rural Transport Programme

- Local Link provides safe secure and reliable Public Transport services in local and rural areas of Ireland.
- 'Local Link' is the brand name for the organisation delivering the Rural Transport Programme nationally. At a national level, the Rural Transport Programme is managed by the National Transport Authority.
- Key features of the new service developments include greater integration with existing public transport services and better linkage of services between and within towns and villages.

Wicklow Local Link Train Connections

Rail Transport Advantages:

- 1. Dependable:** The greatest advantage of the railway transport is that it is the most dependable mode of transport as it is the least affected by weather conditions such as rain, fog etc. compared to other modes of transport.
- 2. Considered Better Organised:** The rail transport is better organised than any other form of transport. It has fixed routes and schedules. Its service is more certain, uniform and regular as compared to other modes of transport
- 3. Direct from City Centre:** The DART and Trains are direct from the city centre, faster and more comfortable to access Wicklow and also more visually appealing – coastal route

Wicklow TCU Public Consultation Oct 2017 Feedback

- A broad range of key stakeholders participated in this process and their contribution is greatly appreciated.
- This process was undertaken in the knowledge that Local Link transport is for everyone and that its key role is the provision of quality community based public transport
- Current service provision in Wicklow was highlighted and stakeholders were asked to consider if this provision is meeting local needs.
- Communities and key stakeholders responded very strongly, highlighting the need to extend provision in specific rural areas of County Wicklow.
- Lack of access to key services such as health, onward transport, education and social supports were identified as impacting negatively on some rural communities.
- Similarly, to transport needs and responses in urban areas, rural areas require suitable transport capacity and frequency solutions in response to their particular needs.
- Five potential draft routes were identified and explored

Wicklow LECP Socio-Economic Baseline Study 2016 – 2021 (AIRO)

- Relevant Findings of Interest:
 - Wicklow is one of the largest commuting counties in Ireland
 - Over 48% of the workforce are employed outside the county
 - 44% of the 53,190 'at work' were employed within Wicklow
 - There are medium levels of interactions in the south of the county with Carlow, Wexford and Kildare.
 - Wicklow is an employment destination for residents of other counties.
 - There are significant challenges in accessing public transport within Wicklow, with limited services and pick up points available.

Wicklow Wanderer Tourism Study July 2012

- *'You Have To Stay In/\Go To Dublin To Visit Wicklow'*
- Summary
 - The study concluded that the concept of a Wicklow Wanderer branded bus product has significant market appeal

- There is a wide spread view among stakeholders that introducing a branded ‘hop on, hop off’ service into the heart of Wicklow would be an exciting tourism initiative and a welcome development
- The Wicklow Tourism Trade were most supportive of a Wicklow Wanderer bus service concept and indicated a strong willingness to support the initiative by way of providing 20% discount vouchers to passengers and offering marketing assistance.
- *Of considerable importance was the assumption of a top quality, regular, reliable and well marketed service offering.*

National Transport Authority LAP submission for Greystones-Delgany-Kilcoole 2013 - 2019

- Relevant Points of Interest:
 - **Tourism** – the Authority recognises the critical role of Tourism in the Wicklow economy and supports policies which aim to enhance and improve this sector in the County. This is of particular importance where
 - **schemes have been identified which meet both tourism and transport planning objectives.**
 - The Authority recommended the insertion of the following policy into the Sustainable Transport section: ***‘To provide for public transport, walking and cycling infrastructure in collaboration with the National Transport Authority under the National Transport Authority’s funding programmes’.***
 - Among the potential schemes outlined was Provide Charlesland and South Greystones connectivity to the town centre by bus, walking and cycling.

North Wicklow Area Public Feedback

- *‘the main concern for residents locally is the provision of a link service between the village here in Newtownmountkennedy and Kilcoole. As the crow flies they are close, (ten mins), but we need to get a bus to Greystones then a bus to Kilcoole.’*
- *‘Newcastle and Newtownmountkennedy are being ignored, Dublin Bus are doing their best to cut the service to Newcastle’*
- *‘Link in with Wicklow Comhairle na nOg in the Co Co, we are always discussing how terrible transport is in Wicklow!;*
- *‘feeder bus from Baltinglass and surrounds to Carlow train station’*
- *‘could the DART be extended to Tinahely?’*
- *‘Greystones, Kilcoole, Newcastle, Newtownmountkennedy, Kilpedder, Delgany, Blacklion and Greystones loop which coincides with DART timetable would be handy’*
- *‘it would be wonderful to link in Kilcoole, Newtownmountkennedy and Newcastle, a lot of people, elderly and kids need to get between these villages’*
- *‘ridiculous that every bus is a double decker and goes all the way to Dublin city centre’*

Possible Route W1 –Greystones DART to Delgany and Charlesland Figure 8:

Rationale/Commentary

- Journey Time – 26 mins
- Distance – 13Km
- Possible Frequency – Half Hourly
- % on existing PT Route – 25%
- Viability – Good Local Penetration

Possible Route W2 – Roundwood to Delgany, via Greystones ; Rationale/Commentary

- Journey Time – 36 mins
- Distance – 25 km

- Possible Frequency – Bi Hourly
- % on existing PT Route – 20%
- Viability - Excellent

Possible Route W3 – Wicklow Town to Glendalough: Rationale/Commentary

- Journey Time – 38 mins
- Distance – 32 KM
- Possible Frequency – 2 hour service
- % on existing PT Route – 20% Viability – Good
-

Possible Route WS – Wicklow Town to Brittas Bay: Route:

- Jack Whites Cross (Cloghogue)
- Brittas Bay
- Three Mile Water
- Blainroe
- Dunbar
- Wicklow Town
- Wicklow Train Station

Possible Route WSeDART – Brittas Bay to Greystones DART : Route:

- Jack Whites Cross
- Brittas Bay
- Three Mile Water
- Blainroe
- Dunbar
- Wicklow Town
- Bromhall Business Park
- Rathnew
- Clonmannon
- Newcastle
- Kilcoole
- Greystones DART

Possible Route W5 – Arklow to Arklow – Northern to Eastern Loop: Rationale/Commentary

- Journey Time -
- Distance -
- Possible Frequency -
- % off existing PT Route –
- Viability

Possible Route W4 – Tullow to Arklow: Rationale/Commentary

- Journey Time – 1hr 15 mins
- Distance – 55 KM
- Possible Frequency – 2.5 hour service
- % on existing PT Route – 10%
- Viability – Good (albeit timetable irregular with one bus)

At the conclusion of the presentation, the Cathaoirleach drew attention to West Wicklow advising of the direction in which people travel in the West and asked for this to be taken into consideration. He also asked for the link to the Website be made available so that people can access the information that is on offer.

It was proposed by Cllr. Whitmore, seconded by Cllr. S. Cullen and agreed that '*Wicklow County Council write to the NTA to support the proposed bus routes, to recognise that it will provide a critical bus service for our towns and villages and ask that they provide the necessary funding for the service*'. Five County Wicklow TDs to lobby on the Council's behalf.

ITEM NO 9

Bray Municipal District Local Area Plan: To consider the Chief Executive's Report on submissions made to the proposed amendments to the draft Bray Municipal District Local Area Plan (previously circulated) and to make or amend the Local Area Plan.

Elected Members were circulated with the following document on 9th May 2018:

-2nd Chief Executive's Report PMA Bray MD LAP April 2018.

PMA No.	Brief description	Submissions	CE recommendation	Proposer	Seconders	Decision
1 (a)	<i>Alter zoning of lands to the east of the current boundary</i>	1 (a) and 1 (b) MHPlanningLG, EPA, TII, P Crowley, Friends of the Little Sugarloaf, E Holfeld, D M V Redmond	Not Proceed	Cllr. C. Fox	Cllr. P. Vance	Agreed by all present to proceed
	Cllr. Fox, further modification: To proceed with the Proposed Alteration No. 1 (a) and to further modify.			Cllr. C. Fox	Cllr. P. Vance	
1 (b)	<i>Zone the land between Kilmacanogue and Kilmurray</i>		Not Proceed	Cllr. Fox	Cllr. J. Behan	Cllr. Matthews proposed that the CE's recommendation be accepted. There was no seconder and he asked for the matter to be put to a vote. Following a roll call the amendment was passed by a margin of 20, for, 1 against and 11 not present viz
FOR (20)	CLLRS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, G. DUNNE, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, M. KAVANAGH, N. LAWLESS, M. MCDONALD, D. NOLAN, O. O'BRIEN, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS.					
AGAINST (1)	CLLRS. S. MATTHEWS.					
NOT PRESENT (11)	CLLRS. T. CULLEN, T FORTUNE, P. KENNEDY, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, M. O CONNOR, G. O'NEILL, J. RUTTLE, J. RYAN AND B. THORNHILL.					
2	<i>Population and Housing (2016 CSO)</i>	TII	Proceed	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed
3	<i>Cookstown, Enniskerry - Residential</i>	S Geraghty	Not Proceed	Cllr J. Behan	Cllr. P. Vance	Agreed by all present to proceed

	Cllr. J. Behan, further modification: To proceed with the Proposed Alteration No. 3 and to further modify.		Cllr. J Behan	Cllr. P. Vance		
4	<i>BT2 & BT3 text</i>		Proceed	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed
5	<i>OP2- Former Heiton Buckley's</i>		Proceed	Cllr. P. Vance	Cllr. S. Matthews	Agreed by all present to proceed
6	<i>OP3- Former Everest Centre</i>		Proceed	Cllr. P. Vance	Cllr. S. Matthews	Agreed by all present to proceed
7	<i>Education</i>		Proceed	Cllr. S. Matthews	Cllr. J. Snell	Agreed by all present to proceed
8	<i>CD5 text</i>		Not Proceed	Cllr. S. Matthews proposed to proceed.	Cllr. J. Behan	The amendment was put to a vote and following a roll call was passed by a margin of 21 votes for, 5 against and 6 not present viz:
FOR (21)	CLLRS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, T. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, T. FORTUNE, M. KAVANAGH, N. LAWLESS, S. MATTHEWS, M. MCDONALD, O. O'BRIEN, G. O NEILL, J. SNELL, B. THORNHILL, E. TIMMINS, G. WALSH, J. WHITMORE AND I. WINTERS.					
AGAINST (5)	CLLRS. S. CULLEN, C. FOX, D. NOLAN, J. RUTTLE, P. VANCE					
NOT PRESENT (6)	CLLRS. M. O'CONNOR, P. KENNEDY, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY AND J. RYAN.					
9	<i>Dargle River Walk (linked to No.15 (b))</i>	T V McMullen, S O'Leary, A N Ralph	Not Proceed Cllr. Matthews proposed that the CE recommendation be accepted or to alter the wording 'in consultation with landowners,	'Cllr. C. Fox proposed that the amendment proceed	Cllr J. Behan	The amendment was put to a vote and following a roll call was passed by a margin of 19 for, 7 against, 5 not present and 1 abstaining viz

			seconded by Cllr. I Winters			
FOR (19)	CLLRS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, G. DUNNE, S. CULLEN, T. CULLEN, P. DORAN, P. FITZGERALD, T. FORTUNE, C. FOX, M. KAVANAGH, P. KENNEDY, D. NOLAN, J. RUTTLE, B. THORNHILL, E. TIMMINS, P. VANCE AND G. WALSH.					
AGAINST (7)	CLLRS. N. LAWLESS, S. MATTHEWS, M. MCDONALD, G. O'NEILL, J. SNELL, J. WHITMORE AND I. WINTERS.					
NOT PRESENT (5)	CLLRS. M. O'CONNOR, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY AND J. RYAN.					
ABSTAINING (1)	CLLR. O. O'BRIEN					
10	<i>Roads & Transportation</i>	NTA	Proceed	Cllr. P. Vance	Cllr. S. Matthews	Agreed by all present to proceed
11	<i>Public transport</i>	NTA, TII	Proceed	Cllr. P. Vance	Cllr. S. Matthews	Agreed by all present to proceed
12	<i>Cycling & Walking</i>	NTA	Proceed	Cllr. P. Vance	Cllr. S. Matthews	Agreed by all present to proceed
13	<i>Public Roads</i>	NTA	Proceed	Cllr. P. Vance	Cllr. S. Matthews	Agreed by all present to proceed
14	<i>Architectural heritage</i>		Proceed	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed
15(a)	<i>GI4, paragraph</i>	MCHG, T V McMullen	Proceed	Cllr. C. Fox	Cllr. P. Vance	Agreed by all present to proceed
15(b)	<i>GI5 (Linked to No.9)</i>		Not Proceed	Cllr C. Fox	Cllr P. Vance	Agreed by all present to proceed (<i>Appropriate Assessment text only</i>)
16	<i>AAP1 Fassaroe</i>	MCHG, TII, CPG,	Further modify and proceed	Proposed by Cllr. P. Vance, seconded by Cllr. C. Fox and		

		CRHE, RGRE J&R Valery's Ltd, T Stewart		following a roll call it was agreed to proceed with the proposed amendment, further modified by a margin of 20 votes for, 4 against and 8 not present viz:-		
Cllr. F.M.	To proceed with the Proposed Alteration No. 16 and to further modify.					
FOR (20)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, G. DUNNE, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. MITCHELL, D. NOLAN, G. O'NEILL, J. RUTTLE, J. SNELL, E. TIMMINS, P. VANCE AND G. WALSH					
AGAINST (4)	CLLRS. J. BEHAN, M. KAVANAGH, J. WHITMORE AND I. WINTERS.					
NOT PRESENT (8)	CLLRS. M. O'CONNOR, T. CULLEN, T. FORTUNE, G. MCLOUGHLIN, M. MURPHY, O'O'BRIEN, J. RYAN AND B. THORNHILL.					
17	<i>AAP2 Parknasilloque</i>	MCHG	Proceed	Cllr. S. Matthews	Cllr. N. Lawless	Agreed by all present to proceed with the amendment.
18	<i>SLO1 Kilruddery</i>	EPA, D MCMichael, T Stewart	Not proceed	Proposed by Cllr. P. Vance to proceed	Seconded by Cllr. C. Fox	The proposal was put to a vote and following a roll call was passed by a margin of 21 votes for, 2 against, 8 not present and 1 abstaining viz:-
FOR (21)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, G. DUNNE, S. CULLEN, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, S. MATTHEWS, D. MITCHELL, D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. SNELL, E. TIMMINS, P. VANCE G. WALSH J. WHITMORE AND I. WINTERS.					
AGAINST (2)	CLLRS. J. BEHAN AND B. THORNHILL.					
NOT PRESENT (8)	CLLRS. M. O'CONNOR, T. CULLEN, P. DORAN, T. FORTUNE, M. MCDONALD G. MCLOUGHLIN, M. MURPHY AND J. RYAN.					
ABST (1)	CLLR N. LAWLESS					
19	<i>SLO3 Former Golf Club</i>		Proceed	Cllr. P. Vance	Cllr. C. Fox	The proposal was put to a vote and following a roll

						call was passed by a margin of 23 votes for, 2 against and 7 not present viz:-
FOR (23)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, G. DUNNE, S. CULLEN, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. MITCHELL, D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. SNELL, E. TIMMINS, P. VANCE G. WALSH, J. WHITMORE AND I. WINTERS.					
AGAINST (2)	CLLRS. J. BEHAN AND B. THORNHILL.					
NOT PRESENT (7)	CLLRS. M. O'CONNOR, T. CULLEN, P. DORAN, T. FORTUNE, G. MCLOUGHLIN, M. MURPHY AND J. RYAN.					
20(a)	<i>SLO4 Former Dell site-point1</i>		Proceed	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed with the amendment.
20(b)	<i>SLO4 Former Dell site-point 2 & 3</i>		Proceed	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed with the amendment.
21	<i>SLO5 Gateway&Hub</i>		Proceed	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed with the amendment
22	<i>SLO9 AO Smith site</i>	M Gillen	Proceed (map correction)	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed with the amendment
23	<i>SLO10 Oldcourt House</i>	Lane & Cavanagh, Rego Property, T Stewart	Proceed	Cllr. P. Vance	Cllr. S. Matthews	The amendment was put to a vote and following a roll call was passed by a margin of 21 votes for, 2 against and 9 not present viz:-
FOR (21)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, G. DUNNE, S. CULLEN, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. MITCHELL, D. NOLAN, O. O'BRIEN, J. RUTTLE, E. TIMMINS, P. VANCE G. WALSH, J. WHITMORE AND I.					

	WINTERS.					
AGAINST (2)	CLLRS. J. BEHAN AND B. THORNHILL.					
NOT PRESENT(9)	CLLRS. M. O'CONNOR, T. CULLEN, P. DORAN, T. FORTUNE, G. MCLOUGHLIN, M. MURPHY, G. O'NEILL, J. RYAN AND J. SNELL.					
24	<i>SLO11 Southern Cross NC</i>	Nechouke Ltd, D McMichael	Proceed	Cllr. S. Matthews	Cllr. P. Vance	Agreed by all present to proceed with the amendment
25	<i>Zoning table</i>	MBCC Foods Ltd	Proceed	Cllr. C. Fox	Cllr. N. Lawless	Agreed by all present to proceed with the amendment
26	<i>Retail Warehousing</i>	TIO ICAV	Not Proceed	Cllr. J. Behan proposed to proceed	Cllr. P. Vance	Agreed by all present to proceed with the amendment
27	<i>RE to OS1</i>		Proceed	Cllr. J. Behan	Cllr. S. Matthews	Agreed by all present to proceed with the amendment
28	<i>RE to NC</i>		Proceed	Cllr. I. Winters	Cllr. P. Vance	Agreed by all present to proceed with the amendment
29	<i>GI map</i>	Rego Property	Proceed (map correction)	Cllr. P. Vance	Cllr. S. Cullen	Agreed by all present to proceed with the amendment
30	<i>Delivery Schedule</i>	NTA, TII	Proceed	Cllr. S. Matthews	Cllr. S. Bourke	Agreed by all present to proceed with the amendment.

It was proposed by Cllr. C. Fox, seconded by Cllr. P. Vance that the Chief Executive's report, as per the alterations agreed and the alterations agreed to be further modified by the members and any changes consequent, be adopted and to adopt the Bray Municipal District Local Area Plan 2018 – 2024. The proposal was put to a vote and following a roll call was passed by a margin of 19 votes for, 3 against, 7 not present and 3 abstaining viz:-

FOR (19)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, S. CULLEN, G. DUNNE, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, N. LAWLESS, M. MCDONALD, D. MITCHELL, D. NOLAN, J. RUTTLE, E. TIMMINS, P. VANCE, G. WALSH. J. WHITMORE AND I. WINTERS.
AGAINST (3)	CIILS J. BEHAN, S. MATTHEWS AND O O BRIEN
NOT PRESENT (7)	CLLRS. V T. CULLEN, P. DORAN, G. MCLOUGHLIN, M. MURPHY, M. O CONNOR, G. O NEILL AND J. RYAN
ABSTAINING (3)	CLLRS T. FORTUNE, J. SNELL AND B. THORNHILL

Time Extension: On the proposal of the Cathaoirleach it was agreed to extend the time of the meeting to 5.30 p.m.

ITEM NO 10

Variation No. 1 to the Wicklow County Development Plan 2016: To consider the Chief Executive's Report on submissions made to the proposed material alterations to Variation 1 of the Wicklow County Development Plan 2016 (previously circulated) and to make the variation with or without the material alterations, with or without further modifications or refuse to make it.

The Elected Members were issued with the following document on 9th May 2018:
Proposed Variation number 1 To the Wicklow County Development Plan, 2016 – 2022 – 2nd Chief Executive's: Report to the members of Wicklow County Council under Section 13 of the Planning and Development Act, 2000 (as amended)

Mr. Des O'Brien, DOS, advised that the variation is very much a technical one as most of the Bray Municipal LAP is in the County Area Plan. He advised that the only submissions were from the Minister for Housing, Planning and Local Government the Environmental Protection Agency and Transport Infrastructure Ireland. Cllr. N. Lawless drew attention to differences in figures which on paper should have increased when in fact a decrease was indicated, which the Executive agreed to amend. It was then proposed by Cllr. N. Lawless seconded by Cllr. C. Fox and following a roll call it was agreed by a margin of 23 votes for, 8 not present and 1 abstaining to make variation No. 1 to the Wicklow County Development Plan 2016 – 2022 in accordance with the Chief Executive's recommendation and subject to any such further modifications and any changes consequent as necessitated by the amendments to the adopted Bray Municipal District Local Area Plan 2018-2024 and Arklow and Environs Local Area Plan 2018-2024 viz:-

FOR (23)	CLLRS. T. ANNESLEY, J. BEHAN, S. BOURKE, G. DUNNE, S. CULLEN, P. FITZGERALD, T. FORTUNE, C. FOX, M. KAVANAGH, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. MITCHELL, D. NOLAN, J. RUTTLE, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH. J. WHITMORE AND I. WINTERS.
NOT PRESENT (8)	CLLRS. V. BLAKE, M. O'CONNOR, P. DORAN, G. MCLOUGHLIN, M. MURPHY, O. O'BRIEN, G. O'NEILL AND J. RYAN.
ABSTAINING (1)	CLLR T. CULLEN.

ITEM NO 11

To consider report in accordance with Section 179 of the Planning and Development Act, 2000 as amended; Part 8 of the Planning and Development Regulations, 2001 as amended: Re-develop the former Ulster Bank Building as Library and County Archives at The Mall, Wicklow, County Wicklow.

Elected Members were circulated with report dated the 8th of May, 2018 signed by Mr. M. Nicholson, DOS, CC&SD. Mr. Nicholson gave a presentation to the members on the proposed development. Following the presentation it was proposed by Cllr. G. Dunne, seconded by Cllr. S. Cullen and agreed by a margin of 24 votes for and 8 not present to proceed with the re-development of the former Ulster Bank Building as a Library and County Archives at the Mall, Wicklow Town in accordance with report circulated and as presented to the members viz:-

FOR (24)	CLLRS. T. ANNESLEY, J. BEHAN, S. BOURKE, G. DUNNE, S. CULLEN, T. CULLEN, P. FITZGERALD, T. FORTUNE, M. KAVANAGH, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH. J. WHITMORE AND I. WINTERS.
NOT PRESENT (8)	CLLRS. V. BLAKE, M. O'CONNOR, P. DORAN, C. FOX, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, AND J. RYAN.

ITEM NO 16

To consider the taking in charge of the following housing estates:

- 1. Avondale Meadows, Rathdrum**
- 2. Castlelynn, Bray**
- 3. Djouce Meadows, Roundwood (Phase 1 & 2)**
- 4. Marlton Court, Wicklow**
- 5. Riverwalk, Ashford**

1. It was proposed by Cllr. P. Kennedy, seconded by Cllr. P. Fitzgerald and agreed to take in charge the housing estate Avondale Meadows, Rathdrum.
2. It was proposed by Cllr. P. Vance, seconded by Cllr. B. Thornhill and agreed to take in charge the housing estate Castlelynn, Bray.
3. It was proposed by Cllr. S. Cullen, seconded by Cllr. D. Nolan and agreed to take in charge the housing estate Djouce Meadows, Roundwood (Phase 1 & 2)
4. It was proposed by Cllr. G. Dunne, seconded by Cllr. J. Snell and agreed to take in charge the housing estate Marlton Court, Wicklow.

5. It was proposed by Cllr. I. Winters, seconded by Cllr. J. Snell and agreed to take in charge the housing estate Riverwalk, Ashford.

ITEM NO 13

To note the 2017 Annual Financial Statement.

It was proposed by Cllr. G. Walsh, seconded by Cllr. S. Cullen and agreed to note the 2017 Annual Financial Statement.

ITEM NO 17

To consider the Wicklow County Council JPC Annual Report year ended 31st December, 2017.

It was proposed by Cllr. J. Snell, seconded by Cllr. G. Walsh and agreed to note the Wicklow County Council JPC Annual Report year ended 31st December, 2017 and forward same to the National Policing Authority.

ITEM NO 18

To consider a nominee to the AILG to replace Cllr. J. Whitmore.

It was proposed by Cllr. J. Behan, seconded by Cllr. T. Fortune and agreed that Cllr. B. Thornhill would replace Cllr. J. Whitmore as the nominee to the AILG.

ITEM NO 12

To consider the publication, on the Council's website, of the Chief Executive's Reports that issue to Elected Members in relation to the County Development Plan, Local Area Plans and Development Plans, one week after the issuing of the report to Elected Members.

It was agreed by Cllr. P. Vance, seconded by Cllr. I. Winters and agreed that the Chief Executive's Reports that issue to Elected Members in relation to the County Development Plan, Local Area Plans and Development Plans, be published on the Council's Website, one week after the issuing of the report to the Elected Members.

ITEM NO 14

To consider the Chief Executive's Monthly Management Report, April 2018.

It was agreed to defer consideration of this item to the June meeting having regard to time constraints

ITEM NO 15

To consider the delegation of certain functions to the Municipal Districts – S131 of the Local Government Act, 2001 as amended.

It was agreed to defer consideration of this item to the June meeting having regard to time constraints.

Suspension of Standing Orders

Grave Yard Policy for the County

Cllr. T. Cullen referred to the grave yard policy for County Wicklow which had been presented to the SPC and the Municipal Districts through a special committee set up to consider the area. He advised that this policy had received ongoing consideration for a long period of time and that the Baltinglass Municipal District had made its own recommendations in relation to the matter in their geographical area. He advised that some proposals were causing a lot of distress for families primarily in relation to the decision that headstones cannot be erected in certain places. He asked for this matter to be considered as a priority item on the June agenda. This was agreed.

Suspension of upgrade work to the N81

Cllr. G. O'Neill referred to the suspension of the proposed upgrade works on the N81. He advised that there was a lot of support in the Blessington area for a new road which he said was promised some eight years ago and that it was the proposal that a carriageway would go from Tallaght to Hollywood. He advised that the TII had announced that this road would not now go ahead he put forward the following proposal. *'That Wicklow County Council write to the Minister Shane Ross and seek a reversal of his recent decision to shelve the Tallaght to Hollywood N. 81 upgrade'*. This was seconded by Cllr. J. Snell agreed. Cllr. N. Lawless advised that she understood that a meeting is to take place between Minister Shane Ross and the County Wicklow Dail Deputies and that an invitation to attend will be extended to delegates from West Wicklow. Following some further discussion on the matter it was also agreed on the proposal of Cllr. T. Cullen, seconded by Cllr. E. Timmins that Minister Shane Ross be invited to attend a meeting of Wicklow County Council to address the elected members in the matter, following a meeting which it is understood to take place with the Dail Deputies on the 13th of June.

The Florentine Centre, Bray

Cllr. J. Behan advised that he had asked the Cathaoirleach to look at the agreement which was signed between Wicklow County Council and the successful bidder for the Florentine Centre. He advised that he was seeking information on the following matters in particular:-

1. Is there any provision in the agreement that allows the successful bidder to seek a variation in the development as he said the DOS at the last Bray MD meeting had advised that approval had been given to change the design to two floors of underground carparking and some elements of residential?
2. Is Wicklow County Council partners with the developer as the Bray MD had been advised that the developer would not have to apply for planning permission that it had been approved under Part 8 and that it constituted a variation?

Cllr. Behan also mentioned that there appeared to be a confidentiality clause in the document and that legal advice would have to be sought prior to the elected members viewing the documents and he sought clarity on this.

Des O'Brien, DOS offered clarity on matters advising as follows:-

- This matter has been a long standing item which has been considered and discussed at Bray Municipal District Meetings for over a year and the elected members have been updated and advised at all stages. The project went through a planning process to An Bord Pleanála under Part 10 of the Planning Act, which examines the environmental impacts of the scheme. Changes can be made if not considered material and if there is not a significant environmental impact, otherwise it would require an additional process to An Bord Pleanála. If there are no significant environmental impacts and it is a material change it can be done by way of a Part 8, as it is a local authority owned development.
- In relation to carparking it was the consultant's opinion, having regard to onsite knowledge and concern that there was rock nearby and concerns to cracks in other buildings, it would be less risky and more economical to develop a two storey carpark. There is no significant increased impact, the effect is negligible, and is not material. He also advised that this is quite common in civil engineering projects that changes are made as the project evolves having regard to conditions and the Council is legally obliged to act reasonably in these matters. He read from the contract in this regard:-

The developer shall not be entitled to make any application material changes to the planning consent in respect of the development site without the prior written consent of Wicklow County Council, such consent not to be unreasonably withheld or delayed.....

.....provided always that if the developer should at anytime wish to depart in any way from improved development, it may not do so without first obtaining the prior consent in writing of Wicklow County Council and complying with all requirements under the Planning Acts, which affect or relate to the development or use thereof.....

Wicklow County Council may, acting reasonably, withhold such consent if it considers a departure would materially depart from the approved development.

He advised that in the case of residential it would materially depart from the proposed development and therefore he as MD Manager would be obliged to bring it to the members and that he has been advising the elected members of the Bray Municipal District in all aspects of the agreement and unless there is overwhelming agreement on residential then it would not be pursued.

He advised that the Chief Executive is of the opinion, that it having regard to the extent of the process it is not desirable to enter into controversy for a residential element and that he shared this opinion with the Chief Executive and that the scheme is far too important to Bray to get bogged down in controversy.

Cllr. J. Behan requested copies of the two agreements as a matter of public interest. In response, Cllr. Behan was advised that there was a confidentiality clause incorporated into the agreement at the request of the Council's Solicitors and that it could not be released without agreement from the other party.

Discussion on the matter exceeded the time extended and concluded at 5.50 p.m.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. EDWARD TIMMINS
CATHOAIRLEACH
WICKLOW COUNTY COUNCIL**

**MS. LORRAINE GALLAGHER
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR**