

**MINUTES OF ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 5<sup>th</sup>  
OCTOBER 2015, COMMENCING 2.00 P.M.**

**PRESENT:**

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

**APOLOGIES:**

**Cllr. O. O'BRIEN,**

**IN ATTENDANCE:**

**MR. B. DOYLE, CHIEF EXECUTIVE  
MR. D. O'BRIEN, DIRECTOR OF SERVICES  
MR. S. QUIRKE, DIRECTOR OF SERVICES  
MR. J. LANE, DIRECTOR OF SERVICES  
MR. M. NICHOLSON, DIRECTOR OF SERVICES  
MR. T. MURPHY, DIRECTOR OF SERVICES  
MS. L. LYNCH, HEAD OF FINANCE  
MR. M. GEANEY, A/DIRECTOR OF SERVICES  
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR  
MR. F. KEOGH, SENIOR ENGINEER  
MR. D. MARNANE, A/SENIOR ENGINEER  
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER  
MS. M. HARTNETT, SENIOR RESIDENT ENGINEER  
MS. T. O'BRIEN, A/SENIOR EXECUTIVE OFFICER  
MS. L. EARLS, ADMINISTRATIVE OFFICER  
MS. M. PORTER, MUNICIPAL DISTRICT ADMINISTRATOR  
MR. D. PORTER, MUNICIPAL DISTRICT ADMINISTRATOR**

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**Votes of Sympathy**

Elected members passed a vote of sympathy to the families of the late Mrs. Ena Byrne, Mrs. Catherine Killoran and Mr. James Walker. A minutes silence was observed for the deceased.

**Votes of Congratulations**

Elected members passed a vote of congratulations to

- Bray Emmets on winning the County Senior Hurling Championship
- Kilcoole on winning the Junior A Championship in Aughrim,
- Rathnew on winning the Intermediate County Football Championship
- Arklow Geraldines Ballymoney on winning the u/12 girls County Football Championship
- Arklow Rocks on winning the u/14 hurling championship,
- Lacken on winning the Junior C title
- The junior team of Slí Chualann Athletics Club on winning a European bronze medal recently.

It was proposed by Cllr. P. Casey, seconded by Cllr. E. Timmins and agreed to honour the achievement of the Slí Chualann Junior Ladies team by hosting a civic reception, incorporated with

the u/21 hurlers, which had previously been agreed. The Cathaoirleach advised that he would raise the matter at the Protocol Committee.

#### **ITEM NO. 1**

##### **To confirm and sign minutes of Special Meeting of Wicklow County Council held on Monday 27<sup>th</sup> July 2015**

It was proposed by Cllr. B. Thornhill, seconded by Cllr. J. Snell and agreed to confirm and sign minutes of Special Meeting of Wicklow County Council held on Monday 27<sup>th</sup> July 2015.

#### **ITEM NO. 2**

##### **To confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 7<sup>th</sup> September 2015**

It was proposed by Cllr. M. McDonald, seconded by Cllr. J. Brady and agreed to confirm and sign minutes of ordinary meeting held on Monday 7<sup>th</sup> September, 2015, with amendment in include Cllr. N. Lawless's name under item 7 page 3.

Cllr. B. Thornhill, Chair of Bray MD referred to a resolution passed by Bray MD that morning and asked for item 16 to be moved up to item 4. This was seconded by Cllr. P. Kavanagh.

The Cathaoirleach referred to that fact that he would have to absent himself from the chamber during discussion on Item 16 and that his preference was to continue with the agenda as set out. Following a brief discussion the matter was put to a vote. It was proposed by the Cathaoirleach seconded by Cllr. J. Snell, and following a roll call it was agreed by a margin of 25 votes for, 7 against and 2 not present to deal with the agenda in the order listed viz:-

**FOR: CLLRS T. ANNESLEY, V. BLAKE, S. BOURKE, J. BRADY, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, N. LAWLESS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, G. O NEILL, J. RUTTLE, J. RYAN, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH AND I WINTERS (24)**

**AGAINST: CLLRS T. CULLEN, T. FORTUNE, P. KAVANAGH, S. MATTHEWS, B. THORNHILL AND J. WHITMORE (6)**

**NOT PRESENT: CLLR. J. BEHAN AND CLLR O OBRIEN (2)**

#### **ITEM NO. 3**

##### **To consider the disposal of 5.7 hectares (14.085 acres) or thereabouts of land in the townland of Rathdown Lower, Greystones, Co. Wicklow to Greystones Harbour Property Designated Activity Company, c/o Wicklow County Council, County Buildings, Wicklow (Deferred from meeting of 7<sup>th</sup> September, 2015)**

Mr. S. Quirke, DOS advised that since this matter had been deferred from meeting of the 7<sup>th</sup> of September, 2015, he had submitted the following reports to the members of the Municipal District and Wicklow County Council.

1. Report dated 17<sup>th</sup> September, 2015 from S. Quirke, DOS, Transportation and Roads Infrastructure
2. Advice of Philip Lee Re. Greystones Harbour PPP dated 29<sup>th</sup> September, 2015.

He advised of the legal advice received in that the Council does not have the discretion as to whether or not to proceed with the disposal resolution and that failure to do so would result in a compensation event which would be a serious matter for Wicklow County Council. He also advised the Greystones Municipal District had passed a resolution at meeting held on the 28<sup>th</sup> of September, 2015 to request Wicklow County Council to proceed with the disposal of the land. It was proposed by Cllr. G. McLoughlin and seconded by Cllr. G. Walsh to proceed with the disposal resolution as circulated to the elected members dated 25<sup>th</sup> August, 2015.

Cllr. T. Fortune proposed the following, seconded by Cllr. J. Whitmore

1. *That the parkland area in the harbor development be re-instated back to its original size and the proposal to pass land from park to housing not proceed.*
2. *In light of changes, or proposed changes, to the contract, how can we proceed with item 3 on today's agenda 5<sup>th</sup> October, 2015. I propose that we should not do this.*

Cllr. J. Whitmore, outlined her concerns in relation to the disposal and put forward the following motion which was seconded by Cllr. T. Fortune.

*'That there be a review of the processes involved around the disposal of land that that recommendations be put forward to the Council for approval.'*

Cllr. I Winters proposed *'that the protocol committee look at the procedures in relation to disposal resolutions and that if elected members require questions to be answered that the questions be submitted in writing so that all elected members can view the questions and the responses before voting on the disposal resolution'*. This was seconded by Cllr. C. Fox.

Following a discussion on the matter within which elected members outlined their concerns in relation to the disposal resolution, Mr. S. Quirke responded by outlining the history of the matter contained in report dated 17<sup>th</sup> September, 2015 previously circulated.

In relation to a section 183 notice not being brought forward when the contract was signed he explained that this was because the land did not exist at the time as it was in the sea and that the land the subject of the disposal resolution had been reclaimed from the sea. He advised that the membership of the Special Purpose Vehicle company had been approved by the elected members in January 2005 however the company was not formed at that time as the development had stalled and therefore was not necessary at the time.

In relation to the proposal that the parkland area be retained, he explained that this was not an option as the development as approved by An Bord Pleanala included that land and the Council is legally required to transfer the land on which the residential properties are to be constructed. He referred to the legal advice received from Philip Lee Solicitors advising that the Council is required to dispose of the lands on which the houses are to be constructed which was also confirmed by the Council's Law Agent.

Following clarification given on the legal and financial implications for the elected members the proposals put forward were put to a vote.

Proposed amendment put forward by Cllr. T. Fortune and seconded by Cllr. J. Whitmore *'that the parkland area in the harbor development be re-instated back to its original size and the proposal to pass land from park to housing not proceed* was put to a vote and following a roll call was defeated by a margin of 2 for, 20 against, 2 not present and 8 abstaining viz:-

**FOR: CLLRS. T. CULLEN AND T. FORTUNE (2)**

**AGAINST: CLLRS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, J. RUTTLE, J. RYAN, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS (20)**

**NOT PRESENT: CLLRS. O O BRIEN AND J. WHITMORE (2)**

**ABSTAINING; CLLRS J. BRADY, P. KAVANAGH, N. LAWLESS, S. MATTHEWS, M. MCDOLAND, G. O NEILL, J. SNELL AND B. THORNHILL (8)**

The proposal as set out in disposal notice signed on 25<sup>th</sup> August, 2015, proposed by Cllr. G. McLoughlin and seconded by Cllr. G. Walsh, was then put to a vote and following a roll call was passed by a margin of 20 for, 3 against, 2 not present and 7 abstaining viz:-

**FOR; CLLRS T. ANNESLEY, J. BEHAN, V .BLAKE, S. BOURKE, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, J. RUTTLE, J. RYAN, E. TIMMINS, P. VANCE, G. WALSH AND I WINTERS (20)**

**AGAINST; CLLRS T. CULLEN, T. FORTUNE AND P. KAVANAGH (3)**

**NOT PRESENT; CLLRS. O O BRIEN AND J. WHITMORE (2)**

**ABSTAINING;CLLRS. J. BRADY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, G. O NEILL, J. RYAN AND B. THORNHILL (7)**

#### **ITEM NO. 4**

**To consider the disposal of the Freehold Interest in Leasehold Folio No. 2282L- Co. Wicklow, being 22 Beech Road, Bray, Co. Wicklow to Marian Bohan, 22 Beech 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 Leasehold Folio No. 2282L- Co. Wicklow, being 22 Beech Road, Bray, Co. Wicklow to Marian Bohan, 22 Beech Road, Bray, Co. Wicklow.

#### **ITEM NO. 5**

**To consider the disposal of the Freehold Interest in 0.0312 hectares or thereabouts of land situated on the North East side of Dunbur Road in the town of Wicklow to Brendan Haughton and Gillian Haughton**

It was proposed by Cllr. I. Winters, seconded by Cllr. S. Cullen and agreed to dispose of the Freehold Interest in 0.0312 hectares or thereabouts of land situated on the North East side of Dunbur Road in the town of Wicklow to Brendan Haughton and Gillian Haughton.

#### **ITEM NO. 6**

**To consider the disposal of 0.0082 hectares or thereabouts of land comprised in Leasehold Folio No. WW12299, being 25 Ballywaltrim Heights, Bray, Co. Wicklow to Vincent O'Toole, 25 Ballywaltrim Heights, Bray, Co. Wicklow**

It was proposed by Cllr. P. Vance, seconded by Cllr. J. Brady and agreed to dispose of 0.0082 hectares or thereabouts of land comprised in Leasehold Folio No. WW12299, being 25 Ballywaltrim Heights, Bray, Co. Wicklow to Vincent O'Toole, 25 Ballywaltrim Heights, Bray, Co. Wicklow.

#### **ITEM NO. 7**

**To consider the disposal of the Freehold Interest in 0.0048 hectares or thereabouts of land at 25 Castle Street, Wicklow, Co. Wicklow to William Ruttledge, executor in the estate of Mary Finlayson (deceased)**

It was proposed by Cllr. P. Casey, seconded by Cllr. I. Winters and agreed to dispose of the Freehold Interest in 0.0048 hectares or thereabouts of land at 25 Castle Street, Wicklow, Co. Wicklow to William Ruttledge, executor in the estate of Mary Finlayson (deceased).

#### **ITEM NO. 8**

**To consider report in accordance with Part VIII of the Planning and Development Regulations 2001 (as amended), in respect of Baltinglass Town Centre Refurbishment at Baltinglass Co. Wicklow**

District Manager's report dated 21<sup>st</sup> July, 2015 with enclosures was circulated previously and noted. Elected members were advised by letter dated 1<sup>st</sup> September, 2015 that on Monday 27<sup>th</sup> July, 2015 the members of the Baltinglass Municipal District recommended that the scheme as described in the part 8 planning report be put forward to the full Council for approval and was deferred from meeting of the 7<sup>th</sup> of September, 2015 to allow further consideration by the Baltinglass MD.

It was proposed by Cllr. G. O'Neill and seconded by Cllr. J. Ruttle to adopt the scheme as circulated in report dated the 27<sup>th</sup> July, 2015.

Cllr. E. Timmins proposed three amendments to the scheme which were seconded by Cllr V. Blake and circulated.

- *Retain existing six parking spaces perpendicular to R747 south east of McAllister monument*
- *Provision to be made for at least a further eight parking spaces and access in Market Square area to facilitate businesses in this area and across the road*
- *Move pelican crossing at Weaver Square to point between church entrance and entrance to Lalor centre*

Cllr. T. Cullen referred to the availability of parking spaces and proposed 5 amendments to the scheme which were circulated to the elected members with a map. This was seconded by Cllr. P. Kavanagh.

The Scheme proposed by Cllr. G. O'Neill, seconded by Cllr. J. Ruttle with the amendment proposed by Cllr. E. Timmins and seconded by Cllr. V. Blake was then put to a vote and following a roll call was passed by a margin of 28 votes for, 2 not present and 2 abstaining, (provided that the amendments did not compromise the accessibility of funding) viz:

**FOR: CLLRS T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, J. BRADY, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, T. FORTUNE, C. FOX, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, G. O NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS (28)**

**NOT PRESENT; CLLRS. O OBRIEN AND J. WHITMORE (2)**

**ABSTAINING; CLLRS T. CULLEN AND P. KAVANAGH (2)**

The Scheme proposed by Cllr. G. O'Neill, seconded by Cllr. J. Ruttle with the amendment proposed by Cllr. T. Cullen and seconded by Cllr. P. Kavanagh as circulated was then put to a vote and following a roll call was defeated by a margin of 5 votes for, 25 against and 2 not present viz:-

**FOR; CLLRS. T. CULLEN, T. FORTUNE, P. KAVANAGH. S. MATTHEWS AND B. THORNHILL (5)**

**AGAINST; CLLRS. T. ANNESLEY, J. BEHAN. V. BLAKE, S. BOURKE. J. BRADY, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, N. LAWLESS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, G. O NEILL, J. RUTTLE, J. RYAN, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS (25)**

**NOT PRESENT; CLLRS O BRIEN AND J. WHITMORE (2)**

## **ITEM NO. 9**

**To receive presentation on Ireland's Ancient East from Ms. Orla Woods, Failte Ireland**

Ms. Orla Woods, Failte Ireland, made a presentation to the members covering the following areas:

- Introduction
- Objectives

- Target figures
- Culturally Curious
- Great Escapers
- Defining Ireland's Ancient East
- Believe in the brand
- Interest from tour operators
- Brand development strategy
- Strategic Development Plan with OPW
- Signage
- [www.FailteIreland.ie](http://www.FailteIreland.ie)
- Consumer launch 2016

Elected members made the following contributions:-

- Ireland's Ancient East described as a wonderful idea and concept, however query as to how much of County Wicklow is included and is there a starting and end predetermined route?
- Call for Failte Ireland to uncover the hidden gems of County Wicklow and concern expressed that County Wicklow has underachieved in the area of tourism.
- The benefits of the Wild Atlantic Way welcomed and the same can apply to Ireland's Ancient East if it is marketed and sold properly.
- What attractions is Failte Ireland working with in the provision of new signage for Ireland's Ancient East
- What can County Wicklow do to alleviate pressures because of its close proximity to Dublin
- Wicklow has very poor average stays of probably less than 1.5 nights per person and efforts need to be made to increase this average.
- A segment of the market that is missing out for County Wicklow is the outdoor recreation sector and the young and vibrant youth sector that uses County Wicklow for outdoor recreation. This needs to be capitalised on.

In response to the queries raised Ms. Woods outlined that tour operators had identified a capacity issue in the Dublin area and that a number of operators were considering doing the reverse of what has been happening in the past in that they will be considering the concept of staying in County Wicklow and day tripping to Dublin. In relation to signage Ms. Woods advised to put it into context, the Wild Atlantic Way was in its fourth year, whereas Ireland's Ancient East was in year zero. She advised that the success of the Wild Atlantic way is that people and industry/businesses got involved and made it their own. Failte Ireland can only provide the supports and the marketing to assist communities help themselves and the Wild Atlantic Way has shown how an initiative can be successful and it is believed that it can be replicated on this side of the country also. In conclusion the Cathaoirleach and elected members expressed their appreciation to Ms. Woods for presenting to the Council

#### **ITEM NO. 10**

#### **To consider the Chief Executive Report on the Draft Development Contribution Scheme and consider the adoption of Draft Development Contribution Scheme**

Chief Executive's report on submissions received on the draft S48 Development Contribution Scheme, 2015 was circulated with the agenda.

Des O'Brien, DOS advised that no submissions had been received following advertisement of the Draft Scheme and that the recommendation of the Chief Executive is to proceed with the amendments proposed therein as follows

1. Allow for the extension of the 20% reduction/refund in Development Contributions until January 2018 as set out in S4.11 of the scheme.
2. 100% reduction in Development Contributions for film studio infrastructure set out in table 4.3
3. Consolidate the four existing schemes
4. Remove any water or wastewater structures, as it is no longer relevant to Wicklow County Council

Cllr. P. Casey proposed the following which was seconded by the Cathaoirleach, Cllr. J. Ryan and agreed

*'That Wicklow County Council makes a submission to the Minister for Finance to support submissions made by the film industry to:*

1. *Increase the 'per project' cap from €50m to €100m on 'all qualifying expenditure', to enable Ireland to compete on a level playing pitch with the U.K. for 'tent-pole' big budget movies.*
2. *Extend the 2020 'sunset date' to 2026, providing a 10 year period of certainty, for investors in capital intensive new film studio infrastructure'.*

Following a brief discussion on the matter it was proposed by Cllr. P. Casey, seconded by Cllr. J. Brady and following a roll call it was agreed by a margin of 25 votes for, 1 against and 6 not present to adopt the draft S48 Development Contribution Scheme, 2015 viz:-

**FOR: CLLRS.. T. ANNESLEY, J. BEHAN, V. BLAKE, J. BRADY, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, T. FOR TUNE, C. FOX, P. KENNEDY, N. LAWLESS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, G. O NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS(25)**

**NOT PRESENT: CLLRS. S. BOURKE, T. CULLEN, P. KAVANAGH, D. NOLAN, O OBRIEN AND J. WHITMORE (6)**

**AGAINST: CLLR S. MATHEWS (1)**

#### **ITEM NO. 11**

**To consider the Taking in Charge of the following:**

- **The Woods, Rathdrum,**
- **Coolattin View, Coolboy**
- **Rocky Valley Crescent, Kilmacanogue**

Report circulated with the agenda enclosing maps of the estates to be considered was noted.

1. It was proposed by Cllr. I. Winters, seconded by Cllr. P. Kennedy and agreed to the taking in charge of The Woods, Rathdrum, Co. Wicklow.
2. It was proposed by Cllr. P. Doran, seconded by Cllr. V. Blake and agreed to the taking in charge of Coolattin View, Coolboy, Co. Wicklow.
3. It was proposed by Cllr. C. Fox, seconded by Cllr. J. Ryan and agreed to the taking in charge of Rocky Valley Crescent, Kilmacanogue, Co. Wicklow.

In response to the request of Cllr. P. Kennedy that the roadway running through The Woods, Rathdrum, joining Union Lane, be included in the Wicklow maintenance programme for gritting in the winter months, due to the steepness of the hill, Mr Des. O'Brien advised that this matter should be passed to the Roads directorate.

#### **ITEM NO. 12**

**To receive update on the work of the Strategic Policy Committees of Wicklow County Council: Update on Planning and Development SPC**

Having regard to the very short time period left in the meeting Des O'Brien, went briefly through the slides on the draft County Development Plan process with the draft plan being circulated to the elected members. He briefly went through the process covering the following areas:-

- Meetings of the Planning & Development SPC
- Topics dealt with
- County Development Plan
- Process
- Consideration of proposed draft plan
- Main features of proposed draft plan – Volume 1 and volume 2
- Volume 3 appendices
- Main changes – new housing chapter
- Main changes – villages and rural areas
- Main changes – economic and community development
- Main changes – infrastructure
- Main changes – heritage
- Town Plans
- Settlement Plans

He advised that workshops will be held at the end of the month and that the planning team is available to answer any queries the elected members may have. Mr. O'Brien paid tribute to the staff who have worked very hard on the plan process and completed all aspects with the exception of the EIS. The Cathaoirleach advised that the matter would be back on the agenda in November/December.

### **ITEM NO. 13**

#### **To fix date and time for Annual Budget Meeting of Wicklow County Council**

The Cathaoirleach advised that the proposed date for the Annual Budget Meeting was Monday 23<sup>rd</sup> November 2015 at 10a.m.

#### **Questions:-**

The Cathaoirleach advised that a written response would be issued to the questions submitted.

#### **Flu Injections**

Elected members were reminded the elected members that the flu vaccination would be available on Monday 2<sup>nd</sup> November in County Buildings commencing 2.00 p.m.

#### **JPC Public Meeting**

JPC public meeting to be held in Blessington on 12<sup>th</sup> October, in the Avon Ri Resort commencing 8.00 p.m.

#### **Protocol**

The minutes of protocol meeting held on 7<sup>th</sup> September 2015 and 6<sup>th</sup> October, 2015 were proposed by Cllr. N. Lawless, seconded by Cllr. P. Casey and agreed.

The Cathaoirleach reminded the members that a civic reception was now being held to honour the participants in Special Olympics.

**THIS CONCLUDED THE BUSINESS OF THE MEETING**



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**CLLR. JOHN RYAN  
CATHAOIRLEACH  
WICKLOW COUNTY COUNCIL**

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