

**MINUTES OF ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 1ST
FEBRUARY, 2016, 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. KENNEDY, N. LAWLESS, S. MATTHEWS, M. McDONALD, G. McLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS.

APOLOGIES:

CLLR. B. THORNHILL.

IN ATTENDANCE:

**MR. D. O'BRIEN, D/CHIEF EXECUTIVE
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MR. M. GEANEY, A/DIRECTOR OF SERVICES
MS. L. LYNCH, HEAD OF FINANCE
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MR. D. MARNANE, A/SENIOR ENGINEER
MR. M. DEVERAUX, SENIOR ENGINEER
MS. B. KILKENNY, SENIOR ENGINEER
MS. S. WALSH, A/SENIOR PLANNER
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MS. T. O'BRIEN, A/SENIOR EXECUTIVE OFFICER
MS. H. DENNEHY, A/SENIOR EXECUTIVE OFFICER
MS. J. CARROLL, ADMINISTRATIVE OFFICER**

Votes of Sympathy

Elected members passed a vote of sympathy to the families of the late Mr. Pat Cunningham, Mr. James Lynch and Mr. Michael Crinion. A minutes silence was observed for the deceased.

Votes of Congratulations

The Cathaoirleach congratulated the following clubs/businesses on their nomination for a LAMA Award: The Wicklow Swimming Club, Arklow Library building, Ballybeg brick by brick campaign and the Mystic Celt restaurant .

The Cathaoirleach extended a vote of congratulations to Ms Susan Nichols on her promotion to Bray Library and to thank her for her work with the elected members over the last eight years.

Suspension of Standing Orders

Planned location of new Educate Together Secondary School: Cllr. G. McLoughlin requested a Suspension of Standing Orders to discuss the planned location of the new

Educate Together secondary school at the Bray Institute of Further Education advising that it was without prior consultation with the KWETB or BIFIE. She advised that a planning application had been submitted to Wicklow County Council for the change of use of block E in the civic centre in Bray from office to educational use without stakeholder consultation. This was seconded by Cllr. D. Mitchell and agreed.

New Library at Arklow: Cllr. M. Murphy requested a Suspension of Standing Orders to discuss the new proposed opening date for the library in Arklow, which was seconded by Cllr. S. Bourke. The Cathaoirleach advised that the library was due to officially open on the 1st of April, 2016.

Proposed recycling Tax: Cllr. J. Brady requested a suspension of standing orders to discuss the proposed new recycling tax, this was seconded by Cllr. N. Lawless and agreed.

To discuss the sentencing of former official of Wicklow County Council: Cllr. J. Brady requested a suspension of standing orders to ask question if the Council has carried out an audit to ensure that there are no cases of a similar nature. It was not considered appropriate for discussion as the case may be ongoing in the courts. The Cathaoirleach suggested that Cllr. J. Brady submit a written question in this matter and that a response would be provided.

It was agreed to hear Suspension of Standing Orders at 4.40p.m.

ITEM NO. 1

To confirm and sign minutes of Budget Meeting of Wicklow County Council held on Monday 23rd November 2015

It was proposed by Cllr. J. Snell, seconded by Cllr. S. Bourke and agreed to confirm and sign minutes of Budget Meeting of Wicklow County Council held on Monday 23rd November 2015.

ITEM NO. 2

To confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 7th December 2015

It was proposed by Cllr. V. Blake, seconded by Cllr. P. Casey and agreed to confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 7th December 2015.

ITEM NO. 3

To confirm and sign minutes of Special Meeting of Wicklow County Council held on Saturday 19th December 2015

It was proposed by Cllr. N. Lawless, seconded by Cllr P. Casey and agreed to confirm and sign minutes of Special Meeting of Wicklow County Council held on Saturday 19th December 2015.

ITEM NO. 4

To consider the disposal of 0.019 hectares or thereabouts of land at Seaview Avenue, Arklow, Co. Wicklow (adjacent to Arklow Sports Centre) to South East Road Cycling Club for a period of 25 years from 1st March 2016.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. M. Murphy and agreed to dispose of the Council's interest and equity in 0.019 hectares or thereabouts of land at Seaview Avenue, Arklow, Co. Wicklow (adjacent to Arklow Sports Centre) to South East Road Cycling Club for a period of 25 years from 1st March 2016.

ITEM NO. 5

To consider the disposal of the Freehold Interest as shown on map 16/04/03//100 comprised in Leasehold Folio No. 1907L – Co. Wicklow, being 106 St. Peter’s Place, Arklow, Co. Wicklow, in the townland of Sheephouse, in the Barony of Arklow, Co. Wicklow to Maria Byrne, 106 St. Peter’s Place, Arklow, Co. Wicklow.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. S. Bourke and agreed to dispose of the Council’s interest and equity in the Freehold Interest as shown on map 16/04/03//100 comprised in Leasehold Folio No. 1907L – Co. Wicklow, being 106 St. Peter’s Place, Arklow, Co. Wicklow, in the townland of Sheephouse, in the Barony of Arklow, Co. Wicklow to Maria Byrne, 106 St. Peter’s Place, Arklow, Co. Wicklow.

ITEM NO. 6

To consider the disposal of 0.518 acres or thereabouts of land in the townland adjacent to 3 Berryfield Lane, Fassaroe, Bray, Co. Wicklow by way of Transfer Order to Kevin Devlin & Monica Napier, Legal Personal Representatives of Thomas Devlin, deceased, 3 Berryfield Lane, Fassaroe, Bray, Co. Wicklow.

It was proposed by Cllr. C. Fox, seconded by Cllr. S. Matthews and agreed to dispose of the Council’s interest and equity in 0.518 acres or thereabouts of land in the townland adjacent to 3 Berryfield Lane, Fassaroe, Bray, Co. Wicklow by way of Transfer Order to Kevin Devlin & Monica Napier, Legal Personal Representatives of Thomas Devlin, deceased, 3 Berryfield Lane, Fassaroe, Bray, Co. Wicklow.

ITEM NO. 7

To receive a deputation from the following two groups:

- a) Save the Murrough Interest Group**
- b) Friends of the Murrough Group**

Friends of the Murrough Group

Mr. Ned Cussen gave a presentation to the elected members on behalf of Friends of the Murrough Group which was circulated to the elected members viz:

“I am Ned Cussen, chairman of Friends of the Murrough. I would like to thank the Cathaoirleach John Ryan and the elected members of Wicklow County Council for their invitation to speak at today’s sitting of the council.

Any visitor to Wicklow Town, on ascending to the scenic view car park will always marvel at the view and the spectacular setting of our town, which is unique in many ways. - Truly, this is the Garden of Ireland, but how have we valued our heritage? The long curve of the bay with its adjacent hinterland situated between sea and lakes is known as the Murrough and it extends as far as Kilcoole. It was lately described as Wicklow Town’s Phoenix Park.

The Murrough is a linear park which has been used by walkers, joggers, cyclists, swimmers, boaters and onshore anglers for generations past. It is a recreation area of which any town might well be proud of and which has the potential to serve as a great attraction for tourists and nature lovers. Nature has bestowed on us this beautiful linear parkland but it appears that we have placed very little value on it.

I am here today because of the shocking loss of this amenity over the Christmas period. Storm Frank decimated the shingle beach and it became obvious to the townspeople that the lack of a coherent plan for coastal protection would lead to the loss of our only parkland. Over 200 people attended a public meeting demanding action to save the Murrough. I know many of the elected members here today also attended.

I am calling upon you members of the council to make urgent representations to Minister Harris, the minister directly responsible at the OPW, to allocate funds for coastal protection

along the Murrough. In addition we ask YOU to make it a priority to seek European funding to safeguard and develop the Murrough in a sustainable manner.

We at Friends of the Murrough have called for a management plan for the area for many years, see our submission for a Special Area Amenity Order in 2008. We have repeatedly drawn attention to the effects of erosion – whether south of the town where access to the spectacular cliff walk has been closed off since the summer of 2014, or north of the town where – the monkey pole had been moved inland a number of years ago due to loss of the path. We have commissioned many reports and have both an expertise and passion to protect and enhance the value of this amenity for all. I would like to address the recent temporary emergency works carried out by Irish Rail necessary to save the railway line.

The RPS Coastal Protection Study of 2007 outlined solutions to the problem of erosion. Unfortunately recommendations made back then were NOT properly implemented. This resulted in many years of increasing erosion, with continuous loss of the beach and path. Then Storm Frank hit on December 28th 2015. Irish Rail's emergency works replicated previous "sticking plaster solutions" - without a "transition zone", erosion is pushed further northwards. Not only is it NO solution, but it won't be long and indeed this is already visible, the rocks from the new revetment are slipping down the beach, the waves are coming ever closer to the railway line once again! – As you can see from the slideshow the remedial works have not been effective, and without a transition zone, the erosion is continuing and worsening.

Shane Beacom, who was born and reared on the Murrough and is totally conversant with the landscape here, is a highly experienced marine engineer currently working in America. He has been in communication with Friends of the Murrough and his recommendations and critique of current work can be viewed on our website. (a hard copy can be provided if required)

Access to the Murrough is vital – to our health and well-being as well as to the economic development of the community. We ask Wicklow County Council to consider access issues during further coastal protection works, which undoubtedly will need to be sooner rather than later. It is obvious heavy machinery will be required and it will not be quick. Temporary access to the Murrough via either the waste treatment plant, with a car park sited on the council lands behind it, OR extending the river walk, are two options we have identified.

Friends of the Murrough support the County Development Plan's aim of "an Integrated Coastal Zone Management approach to ensure the conservation, management and protection of man-made and natural resources of the coastal zone". But it must be a coherent management plan and one that encompasses ALL stakeholders.

Friends of the Murrough are registered with the newly constituted Public Participation Network, and welcome the move to accommodate community interests in the planning process. We feel this is the opportunity to show democracy in action.

While an Environmental representative sits on the Transport, Water and Environment Strategic Policy Committee, it is important to have a local input into planning decisions in the case of the Murrough. The Friends of the Murrough feel we could bring much expertise and knowledge to the table.

For example the Economic Think Tank Maritime Group advised on the objectives and actions of the draft Local Economic and Community Plan. If Friends of the Murrough had an input into this group, we feel interests of Wicklow people would be better represented – the amenity value of the area would get a fair hearing, rather than just a focus on the business aspect of development, which has led us to nearly losing the Murrough altogether.

We also support many of the aims of the Local Economic & Community Plan and feel that working together could benefit the community socially and financially. Collaboration should underlie the implementation of this plan.

For example: Goal 8 seeks to “Capitalise on Wicklow’s unique attributes and proximity to Dublin market, excellent quality of life, human capital, tourism, landscape, marine, agricultural and forestry resources”.

Objective 8.1, Action 17 states “developing a coastal walk from Bray to Arklow”.

Friends of the Murrough has pushed for this for many years, and indeed believe our work has contributed to this objective in 3 ways:

- 1) by ensuring at least one right of way along the coast was registered in the last county development plan;*
- 2) by working with the now defunct Urban District Council to identify a solution to the disputed access to the looped cliff walk south of the town; and*
- 3) by commissioning reports from the National Trails Office about the feasibility of looped walks in the local area.*

Aims to develop a Blueway trail are also welcome. Objectives to realise the potential benefits of our maritime assets however, are too narrowly focussed on the financial benefits, again missing a true benefit of these assets. Yes blueways can positively influence our economic growth opportunities, but they also promote a sense of community, facilitate our attempts to keep ourselves healthy, provide opportunities for recreation, and enhance our ability to experience many of the community’s interesting places in new ways.

We have seen the success of the Wild Atlantic Way and the Great Western Greenway in Mayo. "Ireland’s Ancient East Initiative" is the relevant tourism enterprise in the Wicklow area. Essentially what we are in danger of losing is part of our culture – these ancient walks are our natural heritage.

The Murrough and the Cliff Walk fit perfectly into the idea behind 'Ireland's Ancient East'. They form the most easterly point of the Republic while the Cliff Walk boasts many historical associations from a Norman Castle to a cave used during the stone-age where flints were shaped. Also the remains of a penal church, an old lime kiln, Bride's well and a lighthouse which dates back to the late 1700's. These are all part of our local heritage and the people of Wicklow deserve at least to have access to them.

IS it too much to expect that our natural and historic heritage be restored for our visitors, ourselves, our children and grandchildren to enjoy?

I thank you all for your attention.”

Save the Murrough Interest Group

Ms. Carolann Murphy gave a background to Save the Murrough Interest Group, its membership and how/why it was formed. She outlined the concerns in relation to the recent erosion of the Murrough covering the following areas:-

- Devastation to the Murrough following recent storms
- Shock experienced by users of the area
- Responses to campaign received from Australia and America
- Response of Iarnrod Eireann
- Stressed the need for a short-term emergency response to repair the damage

Mr. D. Marnane, A/Senior Engineer gave a presentation to the meeting covering the following areas:

- Developments since last Council meeting

- Preliminary design received from the consultants to continue the rock protection works
- Council has proceeded to seek tenders while the design is being finalised because of the urgency of the works.
- Option1, using precise concrete units, combined with rock
- Option 2, rock armour only
- Example of precast concrete units
- Recent damage
- Long term measures
- Offshore breakwaters

The elected members collectively thanked both Friends of the Murrough and Save the Murrough Interest Group for attending the meeting and making their concerns known to the elected members. Both Groups were assured that the Council appreciated the seriousness of the situation and the need for immediate action.

In response to the questions raised by the elected members, Mr. Declan Marnane advised that while the design had not yet been finalised, because of the urgency of the matter the Council had commenced sourcing rock and the concrete units in anticipation of the finalised design and that it was hoped to commence works within the coming weeks. He advised that it will take some months to complete the work and during this time it may be necessary, for safety reasons to close the walk while the work is being carried out. He advised that the Council had applied for funding under the coastal protection works scheme which allows a maximum of €500,000, 90% grant aided

In conclusion the Cathaoirleach thanked both groups for presenting to the Chamber and acknowledged the petition submitted by Save the Murrough Interest Group.

ITEM NO. 8

Rural Development Programme (LEADER) 2014 – 2020 – Public Authority Funding Guarantee

Mr. M. Nicholson, DOS, advised that report dated 27th January 2016 had been circulated to the members in advance of the meeting, viz:

“As you are aware Wicklow has been allocated LEADER funding of €6.3m for the 2014-2020 LEADER Programme in the County. A maximum of 25% of this funding, which equates to €1.575m, can be utilised for preparatory support and administration of the programme over the 6 year period.

The 25% preparatory/administration funding will be paid by the Department, either in advance or in arrears. The preference is for us to get payment in advance, on a quarterly basis.

Article 63 of the EU Regulation 1305/2015 provides for payment of preparatory support/administration funding for LEADER 2014-2020. Payment in advance will only be made where the Local Authority provides a guarantee signed by the relevant Head of Finance in the Local Authority.

The Council is only expected to provide a guarantee for the expenditure that is actually advanced and this equates to approximately €200,000 per Local Action Group (LAG) for

each quarter. Having a guarantee in place means that any expenditure not properly charged to the LEADER programme will have to be refunded to the Department.

Under the Local Government Act 2001, Section 66 (1)a, a decision by a Local Authority to provide such a guarantee is a **RESERVED FUNCTION**.

In cases where a Local Authority is not in a position to provide a financial guarantee, then payment of preparatory support and administration funding will only be made in arrears following submission of vouched expenditure.

I have attached a copy of the guarantee for your information.

Members approval is requested to the Council Guarantee under the Local Government Act, 2001, Section 66 (1) a.”

It was proposed by Cllr. P. Casey, seconded by Cllr. S. Bourke and agreed to sign the Public Authority Funding Guarantee.

ITEM NO. 9

Update on Housing Construction Projects

Mr. J. Lane, DOS, updated the elected members by way of presentation on Housing Construction Projects, covering the following areas:

- Housing provision
- Current priority – agreed with Department in July 2015
- Construction Schemes approved for funding by the DOEHLG to date
- Murphy’s Lane
- Brewery Straight
- Emoclew, Arklow
- Status of other priority list schemes
- Convent land and Lott Lane
- AHB / Voluntary Bodies
- 2016 priorities
- Meeting with DOEHLG
- Other works / Context
- Overall programme
- Number of extra units

Elected members raised the following matters and expressed the following views:-

- Reference made to the lack of sewage capacity in West Wicklow, this is a serious issue
- Reference made to the record rainfall amounts during the month of January and how did this affect the Council's site at Three Trouts, Greystones.
- New units for Emoclew Road Arklow welcomed but additional units are required to deal with the housing need in the area
- Query as to the number of people with disabilities on the housing list
- Additional 20 houses for Rathdrum welcomed, however the delay of a month is disappointing. Irish Water should be requested to come to County Wicklow and outline their long-term future plan for villages and towns across the County.

- Query as to how many units Wicklow County Council will purchase in 2016
- Query as to what the uptake is on the Tenant Purchase Scheme
- The staff of the housing department commended for the work carried out.

The Cathaoirleach joined with the elected members in commending the work carried out by the Housing staff and referred to the importance the provision of housing by Wicklow County Council was to families on the housing list for a long period of time.

Joe Lane DOS, responded to the queries raised by advising of the provisions in relation to persons with disability, the protocol in purchasing housing units balancing requirements in relation to available finance, location and accessibility etc. He also advised of the new Tenant Purchase Scheme which he said would be brought before the Housing SPC shortly and that the part 8 in relation to the development of lands in Bray for 42 housing units would be brought before the Council at the following meeting.

In response to queries raised in relation to emergency accommodation at Brighton Terrace, Bray, the DOS advised that while it was envisaged that Brighton Terrace was an emergency short term solution to emergency accommodation, it has progressed for a longer period of time.

ITEM NO. 10

To consider the draft Library Development Plan 2016-2020

Mr. M. Nicholson, DOS, gave a brief overview of the Library Development Plan 2016 – 2020 as circulated, referring to some of the highlights therein. It was proposed by Cllr. J. Ruttle, seconded by Cllr. C. Fox and agreed to adopt the Plan.

ITEM NO. 11

Lands at Blessington – to consider Notice of Motion No. 5

5. Notice of motion in the name of Cllr. G. O’Neill (01.09.2015)(deferred from meeting of the 5th October, 2nd November and 7th December 2015)

“That Wicklow County Council review the locations of the zoning on their land within Action Area 3 to facilitate playing fields for Blessington AFC in Action Area 3”

Report dated 1st October, 2016 was circulated to the elected members. Cllr. G. O Neill outlined the background to the matter and proposed that the Council review the locations of the zoning within the landbank to facilitate the development of football pitch for Blessington Football Club. This was seconded by Cllr. J. Ruttle.

- During a discussion on the matter members from the Baltinglass Municipal District advised that while there was little concern with a review of the lands taking place if the review led to the removal of land in Blessington currently designated to build Council houses on there would not be support for the motion.
- Reference was also made to the cost of the land as outlined in the report and that the value of agriculture land is in the region of €10,000 currently.
- Request that the review include the cost to develop the two pitches.

It was agreed to revert to the elected members with report on review.

Suspension of Standing Orders

Planned location of new Educate Together Secondary School:

Cllr. G. McLoughlin advised that discussions had taken place between the CEO of KWETB, the Department of Education and Skills and the executive of Educate Together to locate a new Educate Together secondary school in the BIFE campus. She advised that these talks were taking place without the prior knowledge of the board of the KWETB and BIFE and the new board of the secondary school in Bray. She outlined the background in the matter and the reasons why BIFE campus should be expanded but not to taken up in part for a secondary school. She asked that the elected members object to the planning application for the change of zone E in the civic building, until such time as all the facts in relation to what is being proposed in BIFE and for Educate together are made known. This was seconded by Cllr. Mitchell.

Following a broad discussion on the matter a number of elected members advised that they required more information on the matter prior to agreeing to the submission of an objection to the planning application. Cllr. N. Lawless advised that while she was a member of the board of KWETB she was not aware of the details of the matter and while she supported Cllr. McLoughlin, she would like more information on it. At the conclusion of the discussion members of the board were requested to call a special meeting of the KWETB on the matter.

Question submitted by Cllr. J. Brady

Question:

1. Following the sentencing of former council official Frank O Toole on charges of corruption has a full audit been carried out to ensure that all financial contributions relating to planning applications have been paid in accordance to the legislation?
2. Are there any other cases of a similar nature to the Frank O Toole case, or of financial irregularities in the Council being investigated or that the Council are aware of?

Answer:

1. There is continually ongoing work to collect outstanding development contributions, from initial invoicing, to the serving of legal notices, and right up to High Court action, to ensure all monies due to Wicklow County Council are pursued and paid.
2. There are no other cases of a similar nature, or any other financial irregularities being investigated or that Wicklow County Council is aware of.

ITEM NO. 15

To consider the Taking in Charge of the following housing estates:

- **Graham's Court, Wicklow Town.**
- **Carrigmore (Extension), Kilcoole**

It was proposed by Cllr. J. Snell, seconded by Cllr. I. Winters and agreed to the Taking in Charge of Graham's Court, Wicklow Town.

It was proposed by Cllr. D. Mitchell, seconded by Cllr. G. Walsh and agreed to the Taking in Charge of Carrigmore (Extension), Kilcoole.

ITEM NO. 16

Correspondence

Correspondence on the following matter was read to the meeting:-

The Supreme Court between Deirdre de Burca, Applicant/Respondent and Wicklow County Manager and Chairperson of Wicklow County Council, Respondent/Appellant and Fachtna Whittle, Notice Party/Appellant:

Terms of Comprmise

Whereas the High Court granted an order of certiorari quashing the report dated 15th June, 2005, on the basis that the Report failed to adequately address section 176(2) of the Local Government Act, 2001, which requires Councillors to disclose any beneficial interest they may have in relation to a Council resolution,

Whereas the Applicant/Respondent and the Notice Party/Appellant are no longer elected public representatives, and the Wicklow County Manager and Chairperson of Wicklow County Council have retired from their respective positions,

The Parties hereto have agreed to withdraw their appeals and notice to vary, and to compromise the within appeals on the following terms:

1. The Order of Certiorari granted in the High Court stands affirmed;
2. The Order for remittal is vacated on consent on condition that:
 - (a) the terms of the acknowledgement set out above are read in open Court on behalf of the Respondents at a sitting to rule the terms; and
 - (b) at the next available scheduled public meeting of Wicklow County Council following the date of said ruling, being the February meeting and not later than the 30th March, 2016;

The Order for Costs in favour of the Applicant against the Respondent/Appellant in respect of High Court costs stands affirmed.

Dated 9th December, 2015.

In response to a query in relation to the costs of the case, Mr. Des O'Brien, Deputy Chief Executive advised of approximate costs being in or around €50,000 for High Court and €52,000 for Wicklow County Council costs.

At the conclusion of the meeting the Cathaoirleach wished the elected members the best of luck contesting the General Election.

THIS CONCLUDED THE BUSINESS OF THE MEETING

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

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

