

**MINUTES OF ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 9<sup>th</sup>  
MAY 2016, COMMENCING 2.00 p.m.**

**PRESENT:**

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

**APOLOGIES:**

**CLLRS, T. CULLEN AND E. TIMMINS**

**IN ATTENDANCE:**

**MR. B. DOYLE, CHIEF EXECUTIVE  
MR. D. O'BRIEN, DIRECTOR OF SERVICE  
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  
MR. S. QUIRKE DIRECTOR OF SERVICES  
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR  
MS L. EARLS, ADMINISTRATIVE OFFICER  
MR. D. MARNANE, A/SENIOR ENGINEER  
MR. M. DEVEREUX, SENIOR ENGINEER  
MS. B. KILKENNY, SENIOR ENGINEER  
MS. S. WALSH, SENIOR PLANNER  
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER  
MS. J. O'DOWD, A/SENIOR EXECUTIVE ENGINEER  
MS. L. CASEY, ADMINISTRATIVE OFFICER  
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER  
MS. CAROLINE FOX, ADMINISTRATIVE OFFICER  
MS. K. BOYLE, TECHNICAL SUPPORT OFFICER**

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**Votes of Sympathy**

Elected members passed a vote of sympathy to the families of the late Mrs. Ellen Byrne, Mrs Elizabeth Roberts, Ms Ciara Ryan, Mr John Avery and Mrs Ellen Dunne. A minutes silence was observed for the deceased.

Cllr. G McLoughlin asked that a letter of support issue to the people of Alberta, Canada as a result of the terrible fire the city had endured. This was agreed.

**Votes of Congratulations**

Elected members expressed their good wishes and congratulations to the following Clubs/Community Areas:

- Wicklow Rugby Club on winning the Provincial Towns Cup
- Tom Keogh of Knockananna and the community of Knockananna on the unveiling of the 1916 monument

- Village of Kilmacanogue on the 1916 unveiling
- Blessington Village
- Deputy Simon Harris on his appointment to the post of Minister for Health and Deputy Shane Ross on his appointment to Minister for Transport

### Suspension of Standing Orders

1. Cllr. I. Winters requested a Suspension of Standing Orders to deal with the issue of water in Bel Air Village, Ashford. This was agreed.
2. Cllr. J. Whitmore requested a Suspension of Standing Orders to discuss a motion regarding the location of the National Children's Hospital. This was seconded by Cllr. J. Snell and agreed.
3. Cllr. M. O'Connor requested a Suspension of Standing Orders to discuss ongoing issues in Bray Municipal regarding access and homelessness. This was agreed.

It was agreed to take the Suspension of Standing Orders at 5.00pm.

It was agreed to move item number 15 on the agenda to number 10 having regard to the fact that Ms. Loraine Lynch, Head of Finance would be moving to Cork County Council and this meeting would be her last Council meeting.

### ITEM NO. 1

**To consider the disposal of 86 square meters or thereabouts of land at Beechwood Close, Boghall Road, Bray Co Wicklow to WH Five Loaves by way of lease for a period of 18 months**

It was proposed by Cllr. J. Behan, seconded by Cllr. J. Ryan and agreed to dispose of 86 square meters or thereabouts of land at Beechwood Close, Boghall Road, Bray Co Wicklow to WH Five Loaves by way of lease for a period of 18 months

### ITEM NO. 2

**To consider the disposal of 37 square meters or thereabouts of land at The Murrough, Wicklow to Oxfam Republic of Ireland by way of lease for a period of 18 months**

In response to clarification sought in relation to whether one charity will have the monopoly over the opportunity to raise funds Ms. Joanne O Dowd gave the background to how the charity shops came to be located in recycling centres. She advised the current charity Oxfam had grown organically over time and that it was set up on a trial basis without a lease in place. She advised that the Council can examine at whether this opportunity should be offered to other charities in the future. It was proposed by Cllr. D. Nolan, seconded by Cllr. S. Cullen and agreed to dispose 37 square meters or thereabouts of land at The Murrough, Wicklow to Oxfam Republic of Ireland by way of lease for a period of 18 months

### ITEM NO. 3

**To consider the disposal of 0.0208ha or thereabouts of land at 132 Fernhill, Arklow, Co Wicklow by way of transfer order to James and Ann Brennan, 132 Fernhill, Arklow, Co Wicklow**

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. S. Bourke and agreed to dispose of 0.0208ha or thereabouts of land at 132 Fernhill, Arklow, Co Wicklow by way of transfer order to James and Ann Brennan, 132 Fernhill, Arklow, Co Wicklow

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

#### **To consider report in accordance with Part V111 of the Planning and Development Regulations, 2001 (as amended) in respect of development of 20 housing units at Brewery Straight, Rathdrum – Presentation by Coady Architects**

Report of Mr. J. Lane, Director of Services dated 3<sup>rd</sup> May, 2016 in relation to the proposal to construction 20 housing units at Rathdrum was circulated to the elected members.

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#### **Proposed Development: Part 8, Planning & Development Regulations 2001 (as amended).**

Wicklow County Council proposes to construct 20 housing units consisting of:

- i) 8 one bed single storey housing units – Type 1A & 1B & 1C = Area 48sqm, height 5.256m
- ii) 10 two bed two storey units – Type 2A – Area 78sqm – height 7.7m
- iii) 2 three bed two storey units - Type 3A & 3B – Area 100sqm – height 7.2m

#### **1. Description of site and development**

The site is located on lands to the southern environs of Rathdrum and is accessed off the L-2148-5. This local road was previously the main route south from Rathdrum, but was bypassed, with the realignment of the R752, and now the route operates as a local access road, with limited traffic movements.

From the entry point of the site off the L-2148-5, the lands would gently fall towards the Regional Route. The Regional route forms the extremity of the lands in Wicklow County Council ownership at this point, and the site the subject of this part 8 application would form over half of this overall parcel of land. To the east of the site is an existing Wicklow County Council housing development, and the northern/western boundaries consist of evergreens/low level hedge boundaries of adjoining dwellings.

The overall site area is 6,490 sq.m. (0.6490 Ha. Or 1.60ac.).

#### **2. Evaluation of the proposed development**

##### **2.1 Development Plan:**

Rathdrum Local Area Plan 2006-2016 :

Zoning Objective : R3

Town Centre Residential : To provide for new residential development within walking distance of the town centre at a plot ratio of 1:0.35 to 1:0.5.

Vision: The objectives of this zone are equivalent to those for ‘New Residential’ zone, however, the preferred plot ratio is 1: 0.35 to 1:0.5.

##### **3.3 Residential Development**

In addition to the policies and objectives set out in the County Development Plan it is the policy of the County Council to:

LAP Policy PR-1: Seek the integrated and balanced growth of the town to a population of 3,560 people by 2012, and to a maximum of 4,500 people by 2016.

LAP Policy PR-2: Provide for the expansion of Rathdrum on lands close to the town centre which may be developed with least infrastructural expenditure and which provide good access to the range of social, educational and economic facilities available in the town.

LAP Policy PR-3: Encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

LAP Policy PR-4: Seek a balance and mix in the provision of social, affordable and private housing and in the type and size of units in order to promote a social and a demographic balance within the town and to respond to the increasing trend towards smaller household sizes.

LAP Policy PR-5: Ensure that the road infrastructure and other infrastructural improvements, community and recreational facilities match the needs of new residents. Housing development will be phased to correspond to the provision of these facilities.

LAP Policy PR-6: Promote increased use of alternative modes of transport by ensuring that planning for public transport needs is included in the design of new housing estates.

LAP Policy PR-7: Provide safe and high quality pedestrian and bicycle links between residential areas and retail, recreational and educational facilities in the town.

LAP Policy PR-8: All new developments should aim to achieve low energy performance i.e. a 40% reduction in energy use (to below 75kWh/m<sup>2</sup>/year). Low energy performance can be described as a reduction of 40% in thermal energy demand and associated CO<sub>2</sub> emissions as per provisions of Technical Guidance Document (TGD L) of the Building Regulations 2002. All new developments shall meet the minimum low energy performance as a pre-requisite to receiving planning approval (a calculation report is to be submitted with the planning application). Each building energy performance calculation will be demonstrated on the basis of a simple approved method carried out by a qualified or accredited expert.

County Development Plan 2010-2016.

See Chapter 5 – Urban Development

Rathdrum Small Growth Town

Objective

UD6 The settlements in Levels 5 shall be re-enforced as attractors for more indigenous growth and investment and shall absorb demand for new housing from inside and outside the County subject to the following controls

In any new multi-house development, a minimum of 50% of new houses shall be sold to any persons that have living and/or working in County Wicklow for at least 1 year. There are no restrictions of the remaining 50%

Any new single house developments shall be restricted to those living and/or working in the County for 1 year.

Section 5.4 Urban Design Standards (see CDP for standards)

Proposed Development:

The proposal is for the provision of 20 housing units:

8 one bed single storey housing units – Type 1A & 1B & 1C = Area 48sqm, height 5.256m

10 two bed two storey units – Type 2A – Area 78sqm – height 7.7m

2 three bed two storey units - Type 3A & 3B – Area 100sqm – height 7.2m

Total floor Area: 1364sqm

Total Site Area: 6490sqm

Actual plot ratio: 1: 0.21

Public Open Space: 950sqm (Main Central area), + 90 = 1040 ( c.16% of site area)

### **Assessment**

The proposal is located on lands zoned for residential development within the Rathdrum Local Area Plan, and the development would accord with this zoning objective. The site would provide a large central open space area with housing wrapped around this core element. The housing has been set out such that the single storey units are located on the boundaries with the adjoining rear private open space of existing dwellings, which will ensure that the amenities of these residents are maintained. The intensity of the development proposed at a plot ratio of 1: 0.21 would be below the maximum values set out in the zoning objective for the area and is therefore acceptable. The house designs are considered acceptable, and the mix of tenure types would accord with the provisions of the Rathdrum LAP. It should be ensured that the units constructed achieve low energy performance as set out under Policy PR-8 of the Rathdrum LAP.

The private open space and public open space would accord with the standards set out in the County Development Plan i.e.

Dwellings (including own door duplexes) shall be provided with private open space at a rate of 0.64sqm per 1sqm house floor area (for the first 150sqm), with the minimum garden size allowable being 48 sqm.

Public open space shall be provided in accordance with the standards set out in Chapter 15. In particular,

Public open space will normally be required at a rate of 15% of the site area – areas within the site that are not suitable for development or for recreational use must be excluded before the calculation is made;

No rear garden is below the 48sqm, and all would meet the 0.64 sqm per 1spm requirement. The public open space is c.16% of the site area.

The boundaries are to consist of 2m high walls. From examination there are no boundaries of any great value, the large evergreens along the northern boundary, would be of little biodiversity value, and the boundary wall coupled with the single storey/side on two storey units will ensure that there is no loss of privacy.

The parking provision of 33 spaces would accord with the standards set out in the County Development Plan: Chapter 5: Section 5.4.4.4 Car parking.

It is noted that a footpath is located on the opposite side of the local road to the development, which would lead towards the town centre.

### 3. Submissions received

Ann (full name not provided)

### 4. Summary of issues raised in respect of the proper planning and development of the area and responses.

The planning issues raised in the single submission received in relation to proposed development can be summarised as follows:

**Issue raised:**

The provision of housing is acutely needed in Rathdrum to serve changing family requirements, young adults who need to move out of their parent's home, mothers with young children and elderly grandparents who need independent homes. The submission also notes the location is convenient to bus and train services.

**Response:**

The proposed development has a variety of house types, both two storey and single storey, which provides flexibility to serve the range of household needs highlighted in the submission. Furthermore the single storey houses have enlarged bathrooms with flush showers to facilitate independent living for residents with impaired mobility.

**5. Recommendation:**

I recommend that the proposed scheme should proceed with the inclusion of the minor modification of relocating the entrance to the proposed estate slightly to improve the safety of this junction.

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**Joe Lane**  
**Director of Housing**  
**Wicklow County Council**

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Following a brief presentation by Coady Architects for the Scheme, it was proposed by Cllr. P. Kennedy, seconded by Cllr. P. Fitzgerald and agreed by a margin of 27 for and 5 not present to approve the housing development as set out in report dated 3<sup>rd</sup> May, 2016 circulated to the elected members viz.

**FOR: CLLRS. T. ANNESLEY, J. BEHAN, S. BOURKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, T. FORTUNE, C. FOX, , P. KENNEDY, N LAWLESS, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, , O OBRIEN, M. O CONNOR, G. O NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, , P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS (27)**  
**NOT PRESENT: CLLRS V. BLAKE, T. CULLEN, M. KAVANAGH, D. NOLAN AND E. TIMMINS (5)**

**ITEM NO. 5**

**National Ports Policing (2013) Harbours Act, 2015**  
**Transfer of control of Wicklow Port to Wicklow County Council**

Following discussion held at meeting of the 7<sup>th</sup> of March, 2016, report of the Chief Executive dated 23<sup>rd</sup> of March, 2016 enclosing maps was circulated to the elected members.

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Dear Councillor,

I wish to refer to the discussion that was held at the Council Meeting of the 7<sup>th</sup> March, 2016 with regard to Wicklow Port and the items raised by Members.

The following points/questions were raised:

- Was this an executive or reserved function. The question of taking over the Port is set out in the Harbours Act 2015 this requires the Local Authority to consider what option they should consider as to be the most appropriate for the taking over of the identified Port i.e. Wicklow Port. I outlined to the Meeting that it was agreed with the Port Company and the undersigned that the most appropriate and advantageous option was that the Port would continue to operate on a commercial basis as an administrative unit of Local Government.
- Property Registration outstanding issues. I outlined to the meeting that during the changeover from Harbour Commissioners to the Port Company in 2004 there would have been a requirement to register the property in the name of Harbour Company. This process was not completed. As part of the due diligence and interaction between the Port Company and the County Council Augustus Cullen Law Solicitors have been appointed to carry out this work. The work is ongoing and good progress is being made.
- What are the cash reserves and the liabilities. I outlined to the meeting that the Company has reserves of €800,000. The Company has the ordinary liabilities of a trading company in that there are charges for port security, staffing, insurance, etc.
- There was a question raised with regard to the future development for the Murrough and the harbour area. The Chief Executive outlined the proposals in the County Wicklow Economic Think Tank that are being considered by the marine group with regard to in particular an outer harbour. These were being generated presently and the whole issue of authorisations have regard to planning and environmental legislation and most importantly the funding requirements were being examined presently. The issue of protection of the Murrough is not affected by the operation of Wicklow Harbour both from an amenity point of view and a commercial point of view.
- With regard to the Councils financial exposure I would respond on the basis that the company is in a healthy financial position. It has a property portfolio that are subject to short and long term leases. There would normally be requirements for maintenance dredging and also in accordance with the structural review of the various harbour walls capital outlay will be required to ensure same are not damaged so as to affect properties in the lower end of the town and threaten the financial well being of the commercial and leisure usage of the harbour. Questions were raised with regard to the port management and the expertise available. Mr. Paul Ivory is the Marine Officer for Wicklow County Council his cv includes . A further Marine Officer is required to replace the existing Harbour Master who has retired from Wicklow Port. The Council as part of its due diligence has also been involved in reviewing health and safety in the Port and the Councils Health and Safety Officer is fully ofey with the requirements of Port activities as is the harbour office.
- There were a number of other issues mainly around the operation of the Port and the requirements of investment.

I did outline to the Meeting that there will be challenges in operating the Port, however, it is operating in a more positive trading environment than the recent past and has shown to be a profitable entity. The financial resources available should ensure that a phased programme of remedial works to the Piers will be able to proceed without impacting on Council finances. I wish to point out also that if the County Council wish to ensure that our maritime industries continue to prosper and are in a position to avail of improved facilities in our ports that the Local Authority are the major instigators .....

The Local Authority has also engaged in discussions with local port companies, stevedore companies with regard to its operation. This expertise has also been available to the marine group examining options under the County Wicklow Economic Think Tank.

Finally I would say that I feel that the involvement of Wicklow County Council in the operation of the Port will signal that Wicklow is open for development and is looking at the many positive ways that it can influence the future economic outlook in the county.

For the Members information I am attaching herewith a copy of the map which outlines the area of the port that will come under control of Wicklow County Council. I have also identified on the map the property that is in the ownership of Wicklow Harbour Company which will revert to Wicklow County Council. I also attach herewith details contained in the financial accounts of the Port Company as at the 31<sup>st</sup> December, 2015.

BRYAN DOYLE  
CHIEF EXECUTIVE

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The Chief Executive advised that this matter had been dealt with somewhat at the March 7<sup>th</sup> Council meeting and that the response to the questions raised were circulated on the 23<sup>rd</sup> of March, 2016. He advised that the Minister had confirmed that he hoped to sign the order before the end of the month. He advised that while the matter was in effect decided for the County it was important also that the Local Authority has control of its ports and having regard to the work of the maritime group and the coastal infrastructure it is hoped that this will attract EU funding.

Elected members raised the following queries:-

- Reference made to the dilapidation of the piers and concern expressed that if the port is taken under the control of the Local Authority that the financial resources will not be made available to the County Council to deal with issues.
- Reference made to the right of way near the iron bridge which crosses the Vartry Lakes at Wicklow and clarification sought on the retention of the right of way.
- Can the Vartry Rowing Club be accommodated with a premises/site in the vicinity of the port?
- Clarification sought on whether this matter is a reserve function and what exactly is the Council taking responsibility for.
- Is there anything within the documentation to prevent protection works being carried out at the Murrough in the future.?



In response to the queries raised the Chief Executive advised that while the taking over of the Port by the Local Authority was not a reserved function he felt it good practice to bring matters such as this to the elected members having regard to the bigger picture.

He advised in relation to the financial position and that the Council had met with port users both commercial and amenity, and that a presentation had been made by the groups. The CE advised that the Council was ambitious for the ports of County Wicklow and through the work of the CWETT there is invaluable experience on the committee to drive it forward. He said that with support hopefully more tourists will be attracted to the town which will enhance economic activity in the location. In conclusion he advised that the Council will need to look upon the harbours as infrastructure and to improve same will require investment overtime. He said that the only works taking place was the strengthening of the harbour walls.

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

**To consider increasing the membership of the LCDC from 17 members to 19 members to allow for representation from the Department of Social Protection and the INOU, in accordance with section 5.1.2 of The Local Community Development Committee (Section 128E)(Amendment)(No.1)Regulations , 2014.”**

Revised membership details, representative body and names of representative as at 9<sup>th</sup> May was circulated to the elected members, totally 19 members (9 public and 10 private representatives). Mr M Nicholson, DOS advised that it was the reserved function of the elected members to increase the membership from 17 to 19, and that he was proposing an additional two members, being the Department of Social Protection and the Irish National Organisation for the Unemployed.

It was proposed by Cllr. C. Fox, seconded by Cllr. G. McLoughlin to increase the the membership of the LCDC from 17 members to 19 members to allow for representation from the Department of Social Protection and the INOU, in accordance with section 5.1.2 of The Local Community Development Committee (Section 128E)(Amendment)(No.1)Regulations , 2014.”

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

**To consider replacement nominee to the East Coast Regional Drugs and Alcohol Task Force Committee**

Cllr. G. Walsh was proposed by Cllr. P. Vance and seconded by Cllr. S. Matthews to replace Cllr. P. Fitzgerald on the East Coast Regional Drugs and Alcohol Task Force Committee. This was agreed.

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

**To consider nominations to form a committee to review the process by which land disposals are conducted**

L. Gallagher read motion which had been agreed at meeting of the 14<sup>th</sup> of March, 2016:-  
*‘That a subcommittee be established to review the process by which land disposals are conducted. This should include, but not be limited to, the valuation of land, the information provided to Councillors and rationale/public benefit from the disposal’*

The Elected Members agreed to form a subcommittee as set out in the motion and agreed the make up as follows:-

Cllr. J. Whitmore: Proposed by Cllr. C. Fox, seconded by Cllr. D. Nolan  
Cllr. I. Winters: Proposed by Cllr. G. McLoughlin, seconded by Cllr. S. Cullen  
Cllr. T. Fortune: Proposed by Cllr. J. Whitmore, seconded by Cllr. D. Nolan

Cllr. P. Doran: Proposed by Cllr. P. Vance, seconded by Cllr. P. Kennedy  
Cllr. M. O'Connor: Proposed by Cllr. N. Lawless, seconded by Cllr. M. McDonald

On the proposal of Cllr. J. Snell, seconded by Cllr. J. Ryan, it was agreed that Cllr. J. Whitmore would chair the sub-committee.

### **ITEM NO. 9**

#### **To ratify the appointments to the following committees:-**

1. **Protocol Committee:** Cllr. Michael O Connor, Cllr. G. Dunne and Cllr. M. Kavanagh
2. **Joint Policing Committee:** Cllr. M. O Connor, Cllr. G. Dunne and Cllr. M. Kavanagh
3. **Wicklow County Tourism Ltd.:-** Cllr. M. O Connor and Councillor G. Dunne.
4. **Housing SPC:-** Councillor M. Kavanagh and Cllr. M. O Connor.
5. **Economic Development and Enterprise Support SPC:-** Cllr. G. Dunne
6. **LCDC:-** Cllr. M. Kavanagh (2.5 years shared with Cllr. N. Lawless)

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. C. Fox and agreed to ratify the appointments to the committees listed and also Cllr. G. Dunne to the Ballinagran Liaison Committee.

Cllr. P. Vance proposed Cllr. G. Dunne to take up the position of Director on Wicklow Enterprise Park Ltd, and WEP Gaol Ltd, arising from the vacancy created by former Cllr. Pat Casey, this was seconded by Cllr. G. Walsh.

### **ITEM NO. 15**

#### **To note: 2014 Audit Report**

Ms. L. Lynch advised that the Audit report for 2014 which was circulated in December and again recently was considered by the Audit Committee. Letter dated 11<sup>th</sup> December, 2015 from B. Doyle, Chief Executive to Mr. Eamonn Daly, Local Government Auditor was circulated to the elected members. Ms. Lynch outlined the areas which the Auditor focussed on. Ms. Lynch advised that the Chief Executive had prepared a response to the areas raised and the Council has been dealing with the issues raised over the last six months. This was noted by the elected members.

The elected members noted that Ms. Loraine Lynch had been working with Wicklow County Council as Head of Finance for the last 14 years and that she would be leaving shortly to take up duty in her home County of Cork as Head of Finance with Cork County Council. Ms. Lynch thanked the elected members and staff for their good wishes and co-operation during her time working with Wicklow County Council and wished everyone well for the future. The Cathaoirleach and elected members collectively paid tribute to Ms. Lynch and wished her well in her future career.

### **ITEM NO. 10**

#### **To further consider presentation made to the elected members on Economic Development in County Wicklow as presented at Council meeting of the 4<sup>th</sup> of April, 2016**

Cllr. G. McLoughlin asked the CE in relation to the current status of the Council's land at Greystones adjoining the land in the ownership of the IDA, advising that there was a need for a hotel in Greystones. In response the CE explained that the vision for the Council's land is to extend the town centre into the Council's land with a view to enhancing and developing the business centre which is already thriving and to get the best value from these lands for the Council. He advised that the Council is engaging with the IDA to explore how the Council's land could develop having regard to the IDA lands and that the Council is looking

at the bigger picture to encourage and promote job creation in the area of technology etc. The CE further advised that the Council's Senior Planner had prepared a brief for the lands and this brief was forwarded to the IDA, with a view to engaging further.

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

##### **To note NOAC Report on Performance Indicators in Local Authorities – 2014**

Mr. T. Murphy, DOS, advised that the elected members had been circulated with a link to the National Oversight and Audit Commission Performance Indicators in local authorities 2014, which consisted some 100 pages. Also, document consisting 25 tables showing indicators from 1.1.2014 to the 21.12.2014 was circulated to the elected members. Mr. Murphy outlined the key points to the members as follows:-

- Background to the establishment of NOAC
- Key role being to examine the performance of local authorities against relevant indicators.
- The commission reported on 35 indicators in 2014 covering a wide range of activities including housing, roads, planning, water, wastewater, environment, fire services, library, recreation, youth, community, corporate, finance and economic development.
- The results from each performance indicator are provided for in a series of tables 26 in all circulated to the elected members with a link to the NOAC report.
- NOAC recommends that targets be established by each local authority relating to indicators and that outturns would be reviewed against those targets.
- NOAC recommends that the targets and indicators be presented to the local authority management team, the elected members and also to the audit committee.
- The management team has already considered the report on a number of occasions and arrangements are currently underway to set targets on performance indicators that lend themselves to target setting.

Elected members welcomed that the Council are in the process of setting targets which can compare progress and expressed the view that the targets should be relevant. It was also suggested that performance indicators be included at municipal district level so that municipal districts can be benchmarked against each other.

The Cathaoirleach advised that feedback from the elected members as to what metrics they would find useful would be welcome and that he would endeavour to organise a workshop where the Council could brainstorm and come up with a document that will consist of the metrics to inform if the organisation is being run effectively and efficiently.

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

##### **To consider the taking in charge of Pebble Bay, Wicklow Town**

Proposed by Cllr. J. Snell, seconded by Cllr. G. Dunne to consider the taking in charge of Pebble Bay, Wicklow Town

#### **ITEM NO. 13**

##### **To note the NTA “Transport Strategy for the Greater Dublin Area”**

Submission from Wicklow County Council re Draft Transport Strategy for the Greater Dublin Area was circulated to the elected members and also emails from the NTA and Wicklow County Council in June, 2015, with regard to the submission. Ms. Sorcha Walsh, Senior Planner, presented to the meeting in relation to the submission and the Strategy.

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## Submission from Wicklow County Council re Draft Transport Strategy for the Greater Dublin Area

Thank you for the opportunity to comment on this strategy. There are, in our opinion, some assumptions, errors and conclusions that we would like to articulate and comment on.

1. There appears to be an overall assumption that the Greater Dublin Area planning model is one with the city centre as the employment core, with other parts fulfilling a general residential function. This has been expressed as “*can support further concentration of employment in Dublin City Centre and residential development along the metro and DART corridors, in line with planning policy*” in page 64 of the SE corridor study. This assumption then seems to drive the transport analysis that appears to see passengers generally embarking at points on the way into the city, and for the most part alighting in the city centre.

This neither reflects “planning policy”, nor reality. For a start while planning policy does see the primacy of the city centre as the commercial, administrative, business, cultural and entertainment hub of the region, this is not to the exclusion of every other area in the region. A more seminal planning principle, especially with respect to transport, is to plan in such a way so as to obviate or reduce journeys. This drives the location of primary schools, that aim to be located at the centre of their catchment, and likewise County Development and Local Area Plans endeavour to provide employment infrastructure proximate to their population centres, and residential development within existing settlements where there are existing retail and leisure facilities. Nobody is naïve enough to believe that a frictionless solution can be had where everyone works and plays locally, but the option should be available. Thus while many will work and play in the centre, some will do so locally, and many more will travel from other parts of the region. In effect real cities and regions are networks, with most making their way into the city, but a significant number journeying in the opposite direction, or indeed normal to the radial routes your model seems to assume, by travelling orbitally or a combination of these directions. The public transport model has to factor these, or otherwise a vast fraction of journeys will not have the opportunity for a modal shift. Nor will expensive infrastructure pay for itself if journeys are only in one direction.

So contrary to your assertion, while we must protect the primacy of the city centre, we must also reduce or vary journeys by encouraging a networked city with employment facilities proximate to homes, and commercial/leisure facilities in existing settlements, and in a few limited locations on greenfield sites.

2. A further departure from planning norms was in paragraph 7.1.2, where having listed both strategic and local planning principals that we would whole-heartedly accept, was the assertion that these principles support the development of six named areas, that are for the most part greenfield sites, many very proximate to the M50, for residential development. **This is simply untrue.** They have no secondary schools, comparison shopping or cultural / leisure facilities. These will simply be dormitories for years and will be dependant on car transport for these basic service needs, or alternatively will compete with nearby existing retail and leisure infrastructure that most planning principles would have as an objective to support. There is obviously a need for new settlement nuclei, but to highlight these and exclude existing settlements that have the

ability to cater for residential development (in the Wicklow context the metropolitan area towns of Bray and Greystones) that have existing retail / educational / cultural / leisure / sporting infrastructure is wandering far away from any accepted planning principles.

3. At the beginning of the strategy document, paragraph 1.2.1, a list of items that this strategy must have regard to is provided. Amongst these are:
  - regional planning guidelines in force for the Greater Dublin Area;
  - development plans in force in the Greater Dublin Area;
  - existing, planned and projected land use developments.

In spite of this, no mention is made of the extensive development area to the west of and contiguous with Bray. This is incorporated in the Bray Environs Local Area Plan, and includes a balanced development of residential, employment, educational, sporting, and neighbourhood facilities. This Local Area Plan is in place 7 years, and before that these lands were mapped in the then County Development Plan.

This land was designated and zoned in direct response to the Regional Planning Guidelines for the Greater Dublin Area that designated Bray as a Metropolitan Consolidation Town, the second highest designation after the City Centre and environs, with a typical population of 40,000 to 100,000. There is extremely limited land in Bray to expand the population from its current 31,000 (between Dun Laoghaire Rathdown and Wicklow County Councils), and this land was identified only after a planning study was carried out to select the most suitable land to cater for this population requirement. In addition the Regional Planning Guidelines required that 42% of Wicklow's population allocation had to be in the Metropolitan area as defined in the Regional Planning Guidelines as Bray and Greystones, and given the constraints of the sea, the county boundary to the north, and the Special Amenity Area Order site that is Bray Head to the south there is no other alternative.

This is in marked contrast to Cherrywood, which is only designated as Large Growth Town II, but is continually mentioned in this strategy. Apart from having a light rail (that was also planned for Fassaroe), this is a footloose land parcel adjoining two dual carriageway junctions, with no social or retail infrastructure. Fassaroe is part of a large town with extensive social, retail and leisure infrastructure. Your strategy even references in paragraph 4.2.6 that "The Strategic Development Zone of Cherrywood is in this corridor". SDZs are not documents that you are obliged to have reference to. The SDZ is promoted by the Local Authority and approved by An Bord Pleanála. It is not part of the national planning framework of national, regional, and County plans. The actual SDZ allows for double the retail that would be required by the number of houses proposed, and is in effect yet another M50 shopping centre.

Cherrywood is mentioned again in Section 5.3 as a 'major destination' coupled with Dundrum and Sandyford, in 5.3.6 as a 'key employment area', and again in 7.1.2 as an exemplar of planning principles. We are not objecting to the cheerleading for Cherrywood, rather at the clear omission of any recognition of equivalent land parcels that are more strategically identified in the Regional Planning Guidelines. It is clear however, that insufficient regard has not been had of the Regional Planning Guidelines for the Greater Dublin Area in the instances illustrated here, contrary to what is stated in paragraph 7.1.1.

4. We are particularly concerned with the modelling carried out with respect to employment growth in Wicklow. Section 3.3.2 of the “Transport Modelling Report” assumes that Wicklow will have the same proportion of regional employment in 2035 as it had in 2011, which is 4% of total employment in the region and therefore up to 2035, growth in employment numbers by only 7,378 from 2011 base (which of course will be very low due to the recession). This would bring County Wicklow total employment to 34,952, which would be a jobs ratio in 2035 of 36% **i.e. fall in jobs ratio from 2011.**

The suggestion is made that this is assumption based on the RPGs, but this is not correct as the RPGs specifically “*support the improvement of jobs ratio levels in each of the constituent local authorities of the region and each local authority should include an objective or series of measures, compliant with the RPG economic strategy, to foster employment creation and maximise the jobs potential in growth towns. The RPGs also support opportunities to promote the growth of service employment and enterprise in designated economic growth centres complementary to the role of the Dublin Gateway*” **Objective ER18.**

Furthermore the RPGs “*Encourage and facilitate new employment opportunities within hinterland towns with high levels of long distance commuting amongst the existing population to a) provide new local employment opportunities and assist in reducing long distance commuting patterns and b) build up the local economy to a more locally sustainable level and generate a better balance of employment opportunities across the GDA region as a whole*”. **(Objective ER17)**

Wicklow County Council drew the NTA strategy team’s attention to these factors during their consultation and research stage of this strategy (appended to this submission is a print-out of emails exchanged with the NTA prior to the finalization of the draft strategy, clearly setting out these issues and discrepancies). In particular, we reminded the team that the NTA strategy must also have regard for County Development Plans. We are extremely concerned that our inputs and data have not been taken into account.

This is a very disappointing as it has extremely serious ramifications for County Wicklow, and the quality of life of those forced to commute. In particular, as employment growth is determined to be in the order of 7,000 jobs in Wicklow between 2011 and 2035, and WCC advised the NTA that it should assume that 30% of the employment growth would occur in Bray (of which a significant proportion would occur in Fassaroe), this implies a growth of employment of Bray – Fassaroe in the order of 2,000 jobs. This level of jobs growth would not sustain extending the Luas to Fassaroe and indeed this does not appear in the strategy.

WCC has in fact planned for a much more significant development in Fassaroe, in the order of 7,000 residents and 17,000 employees. A high density approach has been adopted, facilitated by and facilitating the sustainability of Luas to Fassaroe. This is no different to the approach taken in Cherrywood (which designated a Growth Town II, unlike Fassaroe which is part of the designated metropolitan consolidation town (2 ranks higher in the RPG hierarchy). This strategy for Bray has been approved for over 7

years by both the regional authority and the Department of the Environment, neither having expressed objections to the plan.

5. Following on from above, there has been a significant shift in the conception of the proposed B2 light rail extension from Cherrywood to Bray. This line went through a tortuous consultation and design process to reach a decision on the preferred route previously, along land that could be easily developed. This was not a preliminary design, but one that was ready to go to the railway order stage. This strategy now intimates in paragraph 5.3.6 that the likely line is to be via Shankill. Apart from not servicing the only area that can accommodate the growth north Wicklow is obliged to provide for as per the RPGs, as well as areas designated in the Dun Laoghaire Rathdown County Development Plan, this will result in parallel rail lines within 1km of each other from Bray to Shankill, overlapping the catchment corridors of both lines, and making neither planning or commercial sense.

This appears to compound the error of not having sufficient regard to the Regional Planning Guidelines and Development Plans. A further downside of diverting the light rail from Fassaroe and Old Conna is the lost opportunity to provide a park and ride close to Bray. The SE Corridor Study erroneously refers at page 63 (paragraph 7.2) to the existing P+R at Bray Dart. There is no P+R at Bray, and in line with the Strategy's criteria, a P+R here would not be feasible, as it would add to congestion in the town. Greystones can cater for Dart P+R, as would a new station at Woodbrook, as the other stations into the city are not easily accessible by private cars. However, Fassaroe can accommodate a P+R and serve those in the employment areas served by the green line and future extensions of same.

6. Further to the points made in 1. above, the strategy does not adequately deal with the reality that a large minority of the journeys made ex Wicklow are to points other than the city centre, or along existing Dart, Green Luas or bus routes. The only way to achieve such journeys is by car as the orbital routes are slow and indirect. Your strategy does not sufficiently deal with this shortcoming in a manner that would encourage modal shift. Has the option of bus routes using the M50 with good interchanges with radial bus routes been investigated? This could support a fully networked transportation system.
7. The strategy appears to ignore some of the key constraints that effect Wicklow. For instance in the SE Corridor Study on page 6 it refers to congestion on the M50/N11 merge. This does happen to some extent, but firstly it is not in the peak morning hour adopted throughout these documents, but in the evening. There are however, regular traffic standstills from the Kilmacanogue to Kilpedder during the morning peak. These were evident on two to three days per week prior to 2009, but have returned over the past year, and now average two per week. These are far more disruptive than the evening 'slowdown' at the M50/11 merge, and this reduces the confidence that the conclusions and proposals are based on current realities.
8. There are a number of errors, particularly in the SE Corridor Study:
  - Page 8: bus 133 does not serve Greystones, nor travel between Bray and Greystones;
  - Page 63: As mentioned previously, there is no park and ride in Bray

- The Greystones base public transport usage figure is only half of that currently using public transport;
  - Most current bus services in Greystones have been omitted.
9. There are a number of statements/proposals that are counter intuitive:
- Page 17, fig 3.3: The growth at screenline zero for 2035 seems very low at 26%, especially as the population as per the current draft County Development Plan has a population growth forecast of 35% to 2028, and the strategy seeks to achieve modal split;
  - Page 32: this posits an enhancement of the DART resulting in trains leaving Greystones every 6 mins. Given that this is a single track, this is only possible if the tunnel across Bray Head is expanded to accommodate two tracks, or a very long siding is built to store a large number of train sets overnight. Both of these seem unlikely for what is described as an enhancement;
  - Page 59: The projected numbers for the peak hour in Greystones at 85 would appear to be much less than use the morning train at present;
  - Page 79: fig 5.11 shows a park and ride in Bray. Bray does not have capacity in its streets to accommodate these extra traffic movements without adding to congestion.
10. There are more and more schools attracting pupils from outside what would have been their normal geographical catchments, such as Educate Together, Gaelscoils, etc. Our experience is that they have a much higher proportion of car transport, and add to the morning congestion. Should a transport strategy seek to have rules changed so that all state financed primary schools must give preference to pupils who live closest to the school?
11. In paragraph 7.1.2 it is stated that *“The strategic transport function of national roads, including motorways, should be maintained by limiting the extent of development that would give rise to the generation of local car-based traffic on the national road network”*. This is an obvious requirement, but the corollary is also true. For example the N11 at Bray has always been part of the reticulation system in Bray and Kilmacanogue. This was curtailed when the Bray Shankill bypass released the Dublin and Upper Dargle Roads to the town, but the road from La Vallée to Kilmacanogue still serves a dual purpose. This is unsatisfactory, and it should be an objective to supply a local road to take such traffic off the national route, and to limit the multiplicity of junctions onto route N11 around Bray.
12. It is considered that Wicklow appears to be overlooked or deemed somewhat ‘inconsequential’ through the strategy. For example:
- in Section 3.3.1, mention is made of a number of fast growing districts in the region (showing dark blue on the map), yet no mention is made of south Greystones – Kilcoole;
  - The settlement along the N81 in Wicklow are not ‘named’ but just described as ‘N81 settlements’. There are only 2 substantial settlements to note on this route (Blessington and Baltinglass) and it is not clear why they are not named, other than perhaps to draw emphasis away from the fact that proposals with regard to same are very limited or non-existent;
  - With regard to corridor E (p37) reference to growth in this part of Wicklow is described as low yet the Wicklow County Development Plan (which is consistent



- with the RPGs) targets growth in this area of c. 7,000 persons (in addition to a current population of c. 15,000) which is not inconsiderable;
- Section 4.2.5 re-iterates this point and also ‘belittles’ the transport potential of the N81, a national secondary route, in the corridor

13. With reference to Section 3.3.1, the final paragraph refers to suburban retail developments, many of which are or will be dependent on M50 / road access and have high levels of car parking, thus detracting from the city centre core. It is a concern that the substantial large retail development targeted for and permitted in Bray has been referred to in this paragraph, as it appears to correlate this retail development, which is served by DART, bus routes and potential Luas and is located at the core of this large town, with places such as Liffey Valley and a new retail area planned for between Leixlip and Maynooth. We are of the view that the Bray retail proposals correlate fully with the sustainable transport and land use patterns espoused by the RPGs and the NTA and should be set apart as an exemplar of good retail planning, compared to the likes of Liffey Valley or the Kildare outlet centre.
14. To conclude, the assumptions made do not reflect the current or projected transport needs of Co Wicklow. In particular the employment model ignores Regional Planning Guidelines and Wicklow County Development Plan policies. This obviously feeds into the analysis and planning response, and investment recommendations. In their current form, these recommendations will not address the challenges the citizens of Wicklow will encounter.

This submission has not gone through the transport proposals, however, the underestimation of population growth, errors in existing transport demand and incorrect assumptions has led to a major underestimate of future transport demand. In short south of Greystones the roads are full and rail line empty. Investment is needed to get more trains around Bray head. This has been dealt with in the submission of the Chair of the Transportation Strategic Planning Committee of Wicklow County Council, Mr Derek Mitchell.

Wicklow needs some of the new slots created by signalling investment in Central Dublin for more diesels, and 8 carriage diesels are accordingly required.

We would respectfully note that there are three different transport solutions in different sections of the strategy, but none have been adequately thought through.

End

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Following a lengthy discussion on the matter it was agreed that the Council invite the NTA to the June 13<sup>th</sup> Council meeting and that the invitation be extended to the 5 TDs of County Wicklow being Deputies Casey, Doyle, Brady and Donnelly and Minister for Health Deputy Simon Harris. It was also agreed to invite the Minister for Transport, Deputy Shane Ross.

#### **ITEM NO. 14**

##### **To note monthly management reports of Wicklow County Council**

- 1. December, 2015, January, 2016, February, 2016 and March, 2016 and April, 2016**

Management reports as circulated noted. The Cathoirleach advised that he would like to see a workshop take place to further refine the information circulated to develop them as an effective tool of management.

## **ITEM NO. 16**

### **Update on presentation to the Council from Staff of the Planning Department**

Elected members were circulated with preliminary draft protocol. Des O'Brien, DOS advised that the draft protocol was in the form of a 'flow chart' and that it was a first draft. He advised that it was developed following a presentation from planning staff to the Council and the purpose of the protocol is to provide a mechanism if there is information that is of concern to an elected member that it can be dealt with via a process. He explained the flow of the charts as circulated. Following a lengthy discussion on the matter, it was agreed that the protocol be returned to the protocol committee for further consideration.

### **Suspension of Standing Orders**

#### Water supply to houses at Bel Air, Ashford, Co. Wicklow

Cllr. I. Winters requested a suspension of standing orders and described on-going problems and water shortages to 28 houses at Bel Air Ashford, Co. Wicklow. Cllr. Winters advised that the estate hadn't been taken in charge and as such the residents are left in the position that there is no one body responsible. In response to the issues raised by the elected members, Mr. M. Geaney, A/DOS advised that the matter is a private one, that the pipe is belonging to the management company and that the management company had been advised by Irish Water to repair the pipe. Following a discussion on the matter the elected members requested that the Council organise a meeting between Wicklow County Council, Irish Water, the residents of Bel Air, and the management company to try and resolve issues.

#### National Children's Hospital

Cllr. J. Whitmore requested a suspension of standing orders to discuss the following motion:-

*'The members of Wicklow County Council call on the Minister for Health to reverse the decision to locate the National Children's Hospital at St. James's Hospital and locate the New Children's Hospital for all the children of Ireland at Connolly Hospital in Blanchardstown. The Connolly site offers 145 acres, vast space for expansion, easier access for the children of Wicklow and extensive parking. The co-location with Connolly Hospital and the new Rotunda Maternity Hospital will result in better clinical outcomes. It will be cheaper and faster to build than on the St. James's site.'*

Following a brief discussion on the matter it was agreed that the matter be placed on the agenda for the June 13<sup>th</sup> meeting and that the elected members hear both sides of the debate on the motion.

#### Circulation of minutes of protocol meeting

Elected members noted the circulation of minutes of protocol meetings for the quarter ended January to April, 2016 which were proposed by Cllr. P. Vance and seconded by Cllr. N. Lawless and agreed.

**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**