

# WICKLOW COUNTY COUNCIL



Wicklow County Council  
COMHAIRLE CHONTAE CHILL MHANTAIN

## **Transcript of the County Council Meeting Held on 7 November 2016 In the County Council Chamber, Wicklow**



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6  
7 Monday 7th November 2016, Wicklow County Council meeting

8  
9 CATHAOIRLEACH: I hope my voice carries, just I would like to welcome the members here  
10 and I think we have some votes of sympathy before the start of the meeting.

11 MS GALLAGHER: For Rose-Ann Shane, aunt of our colleague Ivan and Alan Shane. Ann  
12 Murray, for Annie Byrne, sister of Dorothy Byrne, former employee of the County Council.

13 CATHAOIRLEACH: The lights are not working, Cllr Matthews.

14 Cllr MATTHEWS: I would like to offer a vote of sympathy for Brendan Healy from Bray who  
15 passed away recently. His funeral was actually this morning, a very sad loss for his family and  
16 friends in Bray. Thank you.

17 CATHAOIRLEACH: Maybe we will stand then. Sorry, I beg your pardon. The thing is not  
18 working.

19 Cllr FORTUNE: I would like to pass a vote of sympathy, we had some very sad deaths in  
20 Kilcoole, and I would like to pass a vote of sympathy for the Cummins family.

21 CATHAOIRLEACH: Thank you Councillor. Okay.

22  
23 (A minute's silence was held)

24  
25 Cllr WINTERS: Chairman, are you saying that we have no microphones today? At all?

26 CATHAOIRLEACH: They'll be back in a few minutes.

27 Cllr WINTERS: I suggest that we postpone the meeting until they work.

28 Cllr FORTUNE: Before you start the meeting, I need to make another comment...

29 CATHAOIRLEACH: Sorry, go ahead yeah.

30 Cllr FORTUNE: I don't know whether you were going to cover it or not, as we have no mics, I  
31 don't want things to get messy, I have a suspension of standing orders in before we discuss item  
32 15. I just want to have that -- and we have just received in the last few minutes...

33 Cllr WINTERS: Can I just say the stenographer can't actually hear what you are saying to  
34 record it, so this is probably one of the most important meetings that we do in our five-year term

1 as a Councillor and I don't think we should be conducting it without facilities. So we should just  
2 postpone the meeting.

3 CATHAOIRLEACH: We will wait for a few minutes.

4 Cllr WINTERS: We will just wait until we have the facilities.

5 CATHAOIRLEACH: Members, we are back. Can I just - before I start there, can I just  
6 welcome Cllr Annesley back to the chamber here, and just in case anyone is inquiring, that's his  
7 son who is helping him there at the meeting to read. I just want to welcome you back Tommy, I  
8 know you are seeing me in clear light there! And I want to welcome his son, an aspiring  
9 politician. Would you just wait until I am finished please, all right. Cllr Fortune.

10 Cllr FORTUNE: As I was saying earlier Chairman, I have a suspension of standing orders in to  
11 discuss an item before we get into amendment 15, and also we have just been given a suppose a  
12 legal opinion signed by a barrister. I think it's very short notice, and I would be suggesting that  
13 we have at least a 15-minute break for us to look at the opinion and see what it's about, in case  
14 we need to get some other opinion to understand it.

15 CATHAOIRLEACH: Could I suggest Councillor that we go through the County Development  
16 Plan, leave your one until last, you will have time to look...

17 Cllr FORTUNE: What do you mean last?

18 CATHAOIRLEACH: Until we get to the end of the County Development Plan.

19 Cllr FORTUNE: We take it in the order it's in, I want to put it on record, I think it's absolutely  
20 totally disingenuous to us as members, as Cllr Winters has already said, the most important  
21 meeting we have of the whole year and we come along and we get a legal document signed by a  
22 barrister-at-law, none of us are barristers and we are expected to look at it, and if the objective of  
23 it is to put frighteners on the members, well I think that's sad, but we do need time to read it and  
24 I don't think it should be fobbed off to the end of the meeting when some members may have left  
25 the Chamber.

26 CATHAOIRLEACH: If we work through it, we have 103 amendments, I have no doubt we will  
27 get plenty of time to discuss it and I'll make sure to discuss - we need to get time to read it, I  
28 understand that, but we will put it back, I don't know whether we will finish the County  
29 Development Plan this morning, I don't think we will actually, but we will have plenty of time to  
30 discuss it later.

31 Cllr Tommy CULLEN: It is normal practice when legal opinions are presented at the  
32 commencement of the meeting that the meeting is adjourned for at least 15 minutes for members  
33 to read it. This item is number 15. I think it's very important that the members -- if this  
34 document had been circulated last Friday or Thursday, where members could have digested it.

- 1 CATHAOIRLEACH: I am suggesting we can adjourn after we get to the end of the  
2 Development Plan.
- 3 Cllr Tommy CULLEN: That's the end of this evening. This item is number 15 on the agenda, it  
4 will be reached more than an hour or less. Therefore I think it's appropriate that we would have  
5 a 15 minutes adjournment, that's the normal practice, if you want to change the normal practice  
6 fair enough.
- 7 CATHAOIRLEACH: If the members are in agreement with that, I have no problem.
- 8 Cllr FORTUNE: Also, I have a suspension in as well Chairman.
- 9 CATHAOIRLEACH: That's up to the members to decide on that.
- 10 Cllr Tommy CULLEN: I propose we adjourn for 15 minutes to consider this opinion.
- 11 CATHAOIRLEACH: I have no problem with that. Before we do that, I want to take -- I'll just  
12 ask Des to come in there.
- 13 DIRECTOR O'BRIEN: Cathaoirleach, we have had advice from the very word go.
- 14 CATHAOIRLEACH: I don't know what way they're working, to tell you the truth.
- 15 DIRECTOR O'BRIEN: Okay, we have advised any of the Councillors who made this query just  
16 after this report was issued. The law is very, very, very clear on this. It's that the only matters  
17 that can be amended for decided upon are those that went on display, that were actually  
18 amendments. If no amendments were made, then they can't be revisited. What happened on the  
19 particular site, Cllr Fortune, is interested in doing a re-zoning motion on, was that there was a  
20 proposal to leave it out, and that was not accepted by the members.
- 21 Cllr FORTUNE: Chair, Chair...
- 22 CATHAOIRLEACH: Just a second, hold on a minute.
- 23 Cllr FORTUNE: No, no.
- 24 CATHAOIRLEACH: Councillor, Councillor, Councillor! Councillor...
- 25 Cllr FORTUNE: To discuss the item...
- 26 CATHAOIRLEACH: Councillor, Councillor, will you please.
- 27 Cllr FORTUNE: You have to control the meeting properly from the top table.
- 28 CATHAOIRLEACH: How could you control a meeting with you there?
- 29 Cllr FORTUNE: Well I am sorry...
- 30 CATHAOIRLEACH: Des, you go ahead please.
- 31 Cllr FORTUNE: I am objecting strongly, Mr O'Brien is now discussing an item that I have  
32 suspended the meeting to talk about. I am entitled to make my case before he comes back to  
33 respond. This is not right!
- 34 CATHAOIRLEACH: Councillor, you can talk -- go ahead Des.

1 DIRECTOR O'BRIEN: What happened then Cathaoirleach was that...

2 CATHAOIRLEACH: Please. Councillor will you shut up and let us get on with the meeting.

3 Cllr FORTUNE: Don't speak to me like that Chair.

4 DIRECTOR O'BRIEN: What happened then there was actually no amendment...

5 Cllr FORTUNE: What the hell is going on in this Chamber?

6 DIRECTOR O'BRIEN: There was no amendment made on that and the law then prohibits  
7 revisiting something that no amendment was made. We have already written to Cllr Fortune, the  
8 law agent is saying it is beyond their powers to revisit something where there was no amendment  
9 and there was no amendment on this one. The chief executive said for completeness, we will get  
10 a counsel opinion, we only looked for this a few days ago.

11 Cllr FORTUNE: My God!

12 DIRECTOR O'BRIEN: The law is very, very clear, any simple reading of the Act you can see if  
13 there is no amendment made, you can't revisit it. So it's untrue to say we have actually landed...

14 CATHAOIRLEACH: Just give courtesy please.

15 Cllr FORTUNE: The meeting...

16 DIRECTOR O'BRIEN: That we have landed...

17 CATHAOIRLEACH: Councillor, Councillor, Councillor...

18 DIRECTOR O'BRIEN: It is untrue...

19 Cllr FORTUNE: This meeting is being staged managed!

20 DIRECTOR O'BRIEN: It's untrue that this has been landed upon you suddenly, the advice has  
21 been given, a simple reading of the Act is very, very clear on this, the Chief Executive thought in  
22 fairness that we will get counsel's opinion to put it beyond any doubt.

23 Cllr FORTUNE: This is a scandal, Chairman, an absolute scandal.

24 Cllr Tommy CULLEN: I thought we had agreed to adjourn.

25 CATHAOIRLEACH: I have already agreed to that.

26 MS GALLAGHER: Can we have a seconder for that?

27 Cllr FORTUNE: I second it.

28 CATHAOIRLEACH: Are we agreed to adjourn the meeting for 15 minutes? Okay no problem.

29

30 Brief adjournment

31

32 CATHAOIRLEACH: Just - we are still short a few there, but sure the 15 minutes is up anyway,  
33 so -- my proposal is that we continue with the amendments, start at number one and take them in  
34 order, which will mean we will take all the amendments as they come to us, is it green there, Cllr

1 Vance.

2 Cllr VANCE: I want to formally propose that we go ahead with the order of business and we  
3 deal with this when we come up to it. I want to formally propose that Chairman. It's a very  
4 important meeting, and I think it's just one item in a very important meeting, and a lot of people  
5 here are here for other business, other than what's being discussed here. To be fair to everyone,  
6 we have an agenda there, and we should deal with it when we come to it on the agenda.

7 MS GALLAGHER: Who is seconding it?

8 CATHAOIRLEACH: Cllr Lawless there, you have something to bring up.

9 Cllr LAWLESS: Thank you Cathaoirleach, I have a suspension of standing orders, it will only  
10 take literally two minutes of our time. I had a requested deposition for Mr Albert Kerr to come  
11 in and address the Council at next month's meeting to discuss an unused quarry up in Calary and  
12 I want a yes or no from the members here whether they'll accept him in December's meeting.

13 Cllr BEHAN: I'll second that.

14 CATHAOIRLEACH: Are the members in agreement? All right. December meeting, yeah.  
15 Councillor O'Connor.

16 Cllr O'CONNOR: Thanks very much Cathaoirleach, I would like to ask for a suspension of  
17 standing orders concerning an issue to discuss a type of cancer called Sarcoma, there are family  
18 members of Sarcoma victims who are in the chamber today. If nobody knows about it, Sarcoma  
19 is a rare cancer that accounts for about 1% of all cancers diagnosed, it's a complicated disease.  
20 There is no cure. Your best chance of survival is being treated by an oncologist who specialises  
21 in this rare cancer. Up until 13th of June of this year, there was a doctor called Dr Alexi  
22 Bertuzzi. Unfortunately on 30th June 2016, the contract of this doctor ended and care for her  
23 250 patients were transferred to other oncologists on staff. These oncologists are not as qualified  
24 as this doctor would be.

25 CATHAOIRLEACH: Sorry, Councillor, I know you have the best of intentions there, but it's a  
26 suspension of standing orders, and obviously we have to set a date for that, the same as Cllr  
27 Lawless. We can't take a deputation...

28 Cllr O'CONNOR: I think unfortunately this issue is literally a matter of life and death. I think  
29 the treatment of the families in this particular case by the Minister for Health and the Department  
30 of Health, not to mention St Vincent's University Hospital has been absolutely disgraceful. I  
31 would demand, not ask, demand that this issue be discussed today, and this Council take action  
32 now to try and get the Minister to get his finger out and do something about this absolutely  
33 appalling issue. There are children and adults sufferers who are sitting in the hospital, not being  
34 treated properly because the Minister, for whatever reason, is doing nothing about it and I would

1 ask now that we discuss this issue today. And not on another day. It's not good enough to put it  
2 back another day.

3 CATHAOIRLEACH: Cllr Behan.

4 Cllr BEHAN: I have another item to propose.

5 CATHAOIRLEACH: Can we have a seconder?

6 Cllr LAWLESS: I'll second that.

7 Cllr MITCHELL: I would like to speak on that.

8 CATHAOIRLEACH: Just a second there.

9 Cllr BEHAN: I don't know which you are coming to, but I do want to support what Councillor  
10 O'Connor has said given the argument, he has laid it out very well, I think we should afford the  
11 opportunity of the people to address the Council meeting at some point during the item today. I  
12 have a separate item for suspension, which I presume we will come back to. I propose that we  
13 have a five minutes discussion at the end of the meeting to deal with the issue that's arising now  
14 on a constant basis which is wild deer crossing the N11, particularly in the vicinity of the Glen of  
15 the Downs. There has been a couple of very serious accidents. Cllr Ruttle has talked about this  
16 issue before in West Wicklow, and it's becoming now a major problem for people on the east of  
17 the county and I just want five minutes to discuss what we might be able to do.

18 CATHAOIRLEACH: Councillor Walsh.

19 Cllr WALSH: Just a question for a brief suspension just to discuss the potential sale of Ardmore  
20 Studios in Bray and outline the Council's concerns at the potential sale and confirmation, as a  
21 Council, that any sale be on condition that the land be kept in the film industry.

22 Cllr O'CONNOR: I'll second that.

23 Cllr MITCHELL: I would just like to say about health matters, we are not part of the HSE, and I  
24 don't think we are getting through the business we are supposed to get through, which we are  
25 responsible for, like planning and other issues in the county and I don't think we should be  
26 dealing with medical issues, which I am certainly not qualified to make decisions on medical  
27 issues, and I think that's a matter for the Dáil, for national parliaments, I think it's very sad  
28 indeed, but I have no understanding, I have no knowledge of it and there is nobody here to  
29 advise us on the Council about medical issues. I don't think there is anybody qualified on the  
30 staff of the Council. I think we should try and deal with the issues, which we are directly  
31 responsible for, and get them decided. We are now - I think how far, three quarters of an hour  
32 into the meeting yet, and we haven't got near the agenda.

33 CATHAOIRLEACH: I tried to get on with it. Cllr Cullen.

34 Cllr Tommy CULLEN: I am a member of the HSE forum, as well as Cllr O'Neill, Cllr Winters

1 and Cllr Doran. And we represent the Council dealing with health issues. And we would  
2 certainly be prepared to bring this, I am sure, to the HSE forum, for a presentation to be made to  
3 the HSE forum on behalf of this Council. If that may help it. And that's where all the experts  
4 are, and that's where you will have all the medical advice to debate it and discuss it, and perhaps  
5 maybe we should look to refer -- the Council should look to refer this to the HSE forum, the four  
6 members here certainly, I am sure will be active to get this on the agenda of the HSE forum,  
7 where all the experts actually are. Thank you Chairman.

8 CATHAOIRLEACH: Cllr Fortune.

9 Cllr FORTUNE: Just to get back to what Cllr Vance proposed, the suspension I discussed with  
10 you at the beginning, I assume that's in order?

11 CATHAOIRLEACH: What Cllr Vance proposed...

12 Cllr FORTUNE: I am talking about the suspension I have in that I wrote to you on.

13 CATHAOIRLEACH: But you are looking for that to be taken before we go into the second  
14 grouping.

15 Cllr FORTUNE: Sorry?

16 CATHAOIRLEACH: There is 25 amendments there and that's one of them.

17 Cllr FORTUNE: I am looking to do my suspension before we begin that amendment.

18 CATHAOIRLEACH: Within that amendment, within the 25, we are going to discuss it.

19 Cllr FORTUNE: Are you telling me you are not approving my suspension?

20 CATHAOIRLEACH: I am asking you when we get to that we can discuss it. We will get there.  
21 The longer we talk, we won't get there.

22 Cllr FORTUNE: I am interested though that you had no argument on the four previous  
23 suspension talks there and when I mentioned my one, there is difficulty and it needs a lot of  
24 verbiage rather than a straight answer.

25 CATHAOIRLEACH: It's on the agenda, right, to be discussed. They weren't on the agenda to  
26 be discussed. That's simply on the agenda.

27 Cllr FORTUNE: That's all I want to know, so it's on the agenda.

28 CATHAOIRLEACH: It's there in front of us, isn't it. Cllr Vance has proposed it and Cllr Fox  
29 has seconded it.

30 Cllr FORTUNE: So I can discuss that then when we get there. That's okay.

31 CATHAOIRLEACH: Cllr Cullen has made a good point there Councillor O'Connor.

32 Cllr O'CONNOR: And I very much appreciate what he is saying, however having spoken to a  
33 member of the campaign for want of a better word, this job has been advertised, it only had the  
34 7th of November for the advertisement for that job to be closed. Unfortunately the Minister isn't



1 answering their questions, they have nowhere left to go, they need this issue sorted.

2 Cllr Tommy CULLEN: I am sure we can try and arrange a meeting with the executive, one of  
3 the senior executives in the HSE to discuss this in the next couple of weeks.

4 CATHAOIRLEACH: I think that's the better proposal. I am going ahead into the amendments.  
5 Sorry, confirmation of the minutes of the Special Meeting of Wicklow County Council held on  
6 the 26th. I need a proposer and seconder?

7 Cllr McLOUGHLIN: I propose. Right. Item...

8 Cllr O'CONNOR: The Sarcoma issue?

9 CATHAOIRLEACH: Cllr Cullen has made a proposal and I think it's a good proposal.

10 Cllr O'CONNOR: I don't have particular opposition to the proposal, however I do think a  
11 meeting should be organised, this is really important. I am not just saying this. Should be  
12 organised for the next few days. They don't have...

13 CATHAOIRLEACH: Maybe you would talk to Cllr Cullen about it, who else is on the forum?

14 Cllr Doran, with the family there and Cllr O'Neill as well there. All right?

15 Cllr Tommy CULLEN: We will try and arrange a meeting.

16 Cllr O'CONNOR: Would you undertake to meet some of the families at lunchtime for a couple  
17 of minutes?

18 Cllr Tommy CULLEN: It's not just myself.

19 Cllr WINTERS: I have no problem with it.

20 Cllr Tommy CULLEN: We have no problem in doing that Councillor.

21 Cllr O'NEILL: There is a meeting with the HSE next Tuesday.

22 Cllr Tommy CULLEN: We can suspend standing orders.

23 CATHAOIRLEACH: All right, we will go ahead on the County Development Plan, and  
24 everyone has the agreed amendments there, got the list of them. If we just start at chapter 2,  
25 amendment one, that was agreed at the last meeting. There has been no submissions, are the  
26 members okay with that?

27

28 Number two, that was agreed at the last meeting. The amendments proposed by the Chief  
29 Executive and there has been no submissions since. Everyone in agreement?

30

31 I am skipping amendment three at this stage, I'll revert back to that.

32

33 Amendment four on transport, that was agreed at the last meeting, there is no submissions  
34 received. Agreed?

- 1
- 2 Amendment six was agreed at the last meeting, I am skipping five, it's in the next section. It was
- 3 agreed at the last meeting, is everyone in agreement?
- 4 Cllr WINTERS: Agreed.
- 5 CATHAOIRLEACH: Amendment 7, chapter three, there was an added text there and the
- 6 members agreed with that. All right.
- 7 Cllr Tommy CULLEN: When is the review of the clusters, there is a problem with...
- 8 CATHAOIRLEACH: Turn on your light there Councillor.
- 9 Cllr Tommy CULLEN: There is a problem with clusters that (INAUDIBLE) are not selling
- 10 lands. When is it going to be up for review?
- 11 CATHAOIRLEACH: Yeah, sorry, just Cllr Fox, you want to come in on the same thing do
- 12 you?
- 13 Cllr FOX: Will we be reviewing rural clusters on the Bray Municipal plan, or will that be under
- 14 the same process as well?
- 15 DIRECTOR O'BRIEN: The amendment was it would be reviewed at the Development Plan is
- 16 meant to be reviewed after two years, after being adopted and that's when we are proposed to be
- 17 reviewed.
- 18 Cllr FOX: So we won't be reviewing Killmurray, for example, under the Bray plan?
- 19 DIRECTOR O'BRIEN: The Bray ones will be under the Bray plan. That's a district matter.
- 20 CATHAOIRLEACH: Cllr Ruttle.
- 21 Cllr RUTTLE: The existing clusters remain in situ until the time of review from planning point
- 22 of view, correct?
- 23 DIRECTOR O'BRIEN: Yeah.
- 24 CATHAOIRLEACH: Cllr Matthews.
- 25 Cllr MATTHEWS: You skipped amendment three.
- 26 CATHAOIRLEACH: We are going back to it, it's in the other ones, in the 25 amendments.
- 27 Cllr MATTHEWS: The other document.
- 28 Cllr WINTERS: You know this list, he is doing them in that order.
- 29 Cllr MATTHEWS: Sorry, I am going by the book here.
- 30 CATHAOIRLEACH: It went out to each member. Are we okay then on seven? All right.
- 31
- 32 Number eight housing, that was agreed, there was no submissions.
- 33
- 34 Number nine, is in the same situation. Housing objectives. Number ten...

1 Cllr Tommy CULLEN: Sorry, are you on number ten now?

2 CATHAOIRLEACH: I am going to number ten now. Number ten was agreed by the members  
3 on the last occasion, and there were no submissions.

4 Cllr VANCE: Agreed Chairman.

5 Cllr Tommy CULLEN: Chairman, clarification what's the situation where -- for applicants who  
6 have lived in rural areas, and those rural areas then are taken in under the town areas, but these  
7 people have lived in the rural areas for more than ten years, do they still qualify for rural  
8 planning?

9 Cllr Tommy CULLEN: That affects thousands of people in the county.

10 DIRECTOR O'BRIEN: This is actually not part of the amendment that was already planned  
11 before the last stage.

12 Cllr FOX: It should be covered under point one anyway Chairman, if you read point one, that  
13 should cover what Cllr Cullen is concerned about.

14 CATHAOIRLEACH: Yeah, point one there Cllr Cullen.

15 Cllr Tommy CULLEN: I just want clarification, what is the...

16 DIRECTOR O'BRIEN: Cathaoirleach in point 16 in the plan it says "persons who were" -  
17 actually it's at the end, it wasn't amended but it's at the end of that paragraph there, "persons who  
18 are permanent ...(Reading)... town and village."

19 Cllr Tommy CULLEN: Does that cover those people then for under the ten years rule?

20 CATHAOIRLEACH: It states what it states there Councillor.

21 Cllr Tommy CULLEN: Does it cover...

22 DIRECTOR O'BRIEN: I don't know what your particular -- no, in general it does.

23 Cllr Tommy CULLEN: Thank you.

24 CATHAOIRLEACH: Cllr Matthews.

25 Cllr MATTHEWS: Amendment ten, I am not going to propose it or put it to a vote, by I just  
26 want to put it on the record I think the amendments here are going to weaken the case for people  
27 with genuine (INAUDIBLE). I hope I am wrong, but I think we are going to see significant  
28 impacts of that further down the line. Thank you Chairman.

29 CATHAOIRLEACH: Agreed. Amendment 11? There was no submissions, there was  
30 agreement at the last meeting. Everyone agreed?

31

32 Amendment 12, same, the amendment was proposed by the Chief Executive, and agreed at the  
33 last meeting. Everyone agreed?

34

1 Amendment 13, similar. Chapter five, amendment 13. Is that agreed by the members.

2

3 Amendment 14, that was agreed by the members, there has been no submissions. All right?

4

5 Amendment 16, I am leaving 15, we will come back - or 16. 16...

6 Cllr FORTUNE: What about 15?

7 CATHAOIRLEACH: 15 is in the next tranche as I explained to you, as we put the ones that  
8 were agreed at the last meeting, no submissions received. We will be back to it.

9

10 Number 16, agreed by the members at the last meeting, no amendments. Agreed?

11

12 Number 18, I am skipping 17 at this minute, number 18, objectives for Wicklow rural economy,  
13 there was an amendment proposed by the elected members in July, and the Chief Executive has  
14 no objection to that amendment. So are we in agreement?

15

16 Number 22, objectives for centres and retail. That was - there was no amendments, so is  
17 everyone in agreement?

18 Cllr KAVANAGH: I don't see 21 in any of the four or five groups?

19 CATHAOIRLEACH: It's on the second page. Thank you. 22, is everyone in agreement? 23?

20 24? It was agreed by the members. 25? That was agreed by the members. 26. Again that was  
21 agreed by the members, no submissions received since. All right? In agreement? 27, that  
22 amendment was proposed by the Chief Executive and agreed by the members. Agreed? 28,  
23 strategy for tourism and recreation, that was agreed by the members, and there has been no  
24 amendments proposed, no submissions received. Okay? Everything okay? Number 30, tourism  
25 and recreation objectives.

26 Cllr FORTUNE: Can I get a point of clarification just on - a point of clarification.

27 CATHAOIRLEACH: Yes.

28 Cllr FORTUNE: I am just looking at the document you are going through, you are going  
29 through the agreed amendments. Is it then you are going to move on to the 25 amendments?

30 CATHAOIRLEACH: Yes.

31 Cllr FORTUNE: Does that mean then for example the five amendments at the back of the page,  
32 it says passed by votes at previous meetings, submissions received, CE does not recommend  
33 adoption, is that going to be dealt with at the end of the meeting?

34 CATHAOIRLEACH: We are getting through them.

- 1 Cllr FORTUNE: I am just intrigued for want of a better word of the way this has been put  
2 together. I would have thought under Cllr Vance's suggestion, or proposal that was seconded  
3 that we take them in the order they're in the book?
- 4 CATHAOIRLEACH: But look at, that's the way...
- 5 Cllr FORTUNE: It's a serious question.
- 6 CATHAOIRLEACH: There is nothing sinister with me in this.
- 7 Cllr FORTUNE: I feel the meeting is being somewhat stage managed and I have an issue with  
8 it.
- 9 CATHAOIRLEACH: We are trying to get through them. I am trying to get through them as  
10 best we can and we will get everything dealt with.
- 11 Cllr FORTUNE: Come on, come on, I didn't come down in the last shower.
- 12 CATHAOIRLEACH: I know that yeah. Cllr Vance you want to say something there.
- 13 Cllr VANCE: Chairman, can we move on, we are getting through the business here, people are  
14 starting to...
- 15 CATHAOIRLEACH: Are you in again Councillor?
- 16 Cllr FORTUNE: (INAUDIBLE).
- 17 CATHAOIRLEACH: We are on - sorry, Cllr Vance, let us progress please. Amendment 30?  
18 That was proposed, that amendment was proposed by the elected representatives. Okay.  
19
- 20 Number 32, again, that was proposed by the elected members.  
21
- 22 Number 36, that amendment was proposed by the elected members at the Council meeting in  
23 July. Everyone in agreement?  
24
- 25 Number 38, that was proposed by the Chief Executive and accepted by the members. Everyone  
26 in agreement?  
27
- 28 41, that was - amendment was proposed by the Chief Executive and agreed by the members. 42,  
29 similar. Agreed. 47? Agreed?
- 30 Cllr WINTERS: Yep.
- 31 Cllr Tommy CULLEN: Chairman, can you go back to 45?
- 32 CATHAOIRLEACH: We are not doing 45, it's in the next tranche there. We are just going to -  
33 47, we have done that. 48, okay? 49, agreed?
- 34 Cllr Tommy CULLEN: Will you slow up a bit there, my eyesight!

1 CATHAOIRLEACH: I told you to change them glasses. 49 we have done. 51, agreed? 52, all  
2 agreed? 53, that was agreed by the members at the last meeting and there were no submissions.  
3 Agreed?

4 Cllr WINTERS: Yep, agreed.

5 CATHAOIRLEACH: 54, same situation, agreed? 55, agreed by the members and no  
6 amendments proposed, is that agreed? 59, agreed by the members, agreed?

7 Cllr BEHAN: Hold on,

8 Cllr RUTTLE: Stall the ball.

9 DIRECTOR O'BRIEN: This is a list of views brought in from the old Enniskerry Local Area  
10 Plan.

11 CATHAOIRLEACH: Is 59 agreed, do you want time to read it? We are going to head now to  
12 number 62, that was agreed at the last meeting. No submissions received. Is everyone in  
13 agreement?

14 Cllr VANCE: Yeah

15 CATHAOIRLEACH: 65 was proposed by the Chief Executive at the last meeting and was  
16 agreed by the members. Is everyone in agreement?

17 Cllr Tommy CULLEN: Hold on there, which one

18 CATHAOIRLEACH: 65.

19 DIRECTOR O'BRIEN: It's Ashford, turning town centre to residential zoning.

20 CATHAOIRLEACH: Is that okay? 66, which is on page 145, that was proposed by the Chief  
21 Executive and agreed by the members. Everyone in agreement? 66, sorry, we have done that,  
22 73. Page 157. That amendment was proposed by the elected members. Is everyone in  
23 agreement?

24 Cllr Tommy CULLEN: Which one is that?

25 CATHAOIRLEACH: 73 on page 157.

26 DIRECTOR O'BRIEN: Some strategic land back into community and health.

27 Cllr Tommy CULLEN: Chairman, go back there to 71, what's happening with that?

28 CATHAOIRLEACH: We are coming to it.

29 DIRECTOR O'BRIEN: It's not on this list

30 CATHAOIRLEACH: It's in the next tranche.

31 Cllr FORTUNE: I am personally not comfort with the way we are doing this and a lot of  
32 members are literally trying to find pages, as they're racing through this at 100 miles

33 CATHAOIRLEACH: We will slow up then.

34 Cllr FORTUNE: It may be no harm

1 CATHAOIRLEACH: 71 is coming up later. We sent out a list there. 73, Carnew - that  
2 amendment was proposed by the elected representatives at the Council meeting of July 2016,  
3 and there was no objection to the proposed amendment. So if everyone is in agreement? The  
4 next one is 75, which is on page 160. There were no submissions received, that was agreed by  
5 the members at the last meeting.

6 Cllr BEHAN: Chairman I have a question. Sorry, just in relation to the provision for social  
7 housing, this is in relation to 75, in relation to the provision for social housing, does this  
8 incorporate the new Government policy on rebuilding Ireland and the quantity of land that would  
9 be available for social housing? Because the plan predates that Government announcement?  
10 There is an element there - under part five obligations, I just want to make sure there is nothing  
11 in this that would prevent us getting the maximum amount of land available for social housing

12 DIRECTOR O'BRIEN: It's 10%, is that what you mean?

13 Cllr BEHAN: Has anything changed in the Government's recent announcement about rebuilding  
14 Ireland

15 DIRECTOR O'BRIEN: I am not aware

16 Cllr BEHAN: For social housing, so it will be in conformity with the new policy

17 DIRECTOR O'BRIEN: The policy doesn't matter, that's the law of the land, they have to have  
18 10%, it was 20%.

19 Cllr BEHAN: It's just mentioned here in the amendment, that's why I am asking.

20 DIRECTOR O'BRIEN: I think - on think on a plan or two before Councillor, there was a  
21 specific social housing for older people put in there and I think that replaced that, from memory,  
22 but we are going back a while.

23 Cllr BEHAN: Okay.

24 CATHAOIRLEACH: Agreed?

25 DIRECTOR O'BRIEN: Carabank, if you remember that.

26 CATHAOIRLEACH: 75, which is on page 160 -- sorry, I beg your pardon, yeah, is that agreed?  
27 76 which is on page 162. That amendment was agreed at the last meeting, is everyone in  
28 agreement?

29  
30 77, which is on page 163, there were no submissions received, and it's recommended and the  
31 members agreed at the last meeting. Agreed?

32  
33 78, that's on page 165. That amendment was agreed at the last meeting and no submissions have  
34 been received. Is everyone in agreement?

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79 is on page 166, that amendment was proposed by the elected members in July 2016, and the Chief Executive has no issues with that.

Cllr McLOUGHLIN: Agreed.

CATHAOIRLEACH: Okay, everyone agreed, yeah. Number 80, which is on page 167, that amendment, there was an amendment proposed by the elected members and the Chief Executive supports this amendment. Number 80, everyone in agreement?

Cllr VANCE: Agreed yeah.

CATHAOIRLEACH: Amendment 82, which is on page 174. That amendment was agreed at the last meeting and there has been no submissions. Is everyone in agreement?

Amendment 83, again at the last meeting, there was no - there was agreement, no submissions since. Everyone in agreement?

Number 87, which is on page 180, that amendment was proposed by the Chief Executive and agreed by the members. Amendment number 79 which is on page 184. That was agreed by the members at the last meeting. Agreed?

Amendment number 90 which is on page 186, that was agreed at the last meeting again, is everyone in agreement?

Amendment 91 is which is on page 187, and 188, it was agreed by the members at the last meeting. Is everyone in agreement?

Cllr WINTERS: Agreed.

CATHAOIRLEACH: Amendment number 92, which is on page 189, agreed by the members at the last meeting. Everyone in agreement?

Cllr WINTERS: Agreed.

CATHAOIRLEACH: Amendment number 93 which is on page 190, that was agreed by the members and there have been no submissions received. Everyone in agreement?

Amendment 95, agreed by the members, everyone in agreement? Amendment number 97, which is on 196. Agreed by the members at the last meeting again. Is everyone agreed?

Amendment number 98, agreed by the members, it's on page 197. Everyone in agreement?



- 1 Cllr BEHAN: Chairman, I don't agree to that.
- 2 CATHAOIRLEACH: Sorry Joe, which one Joe, 98?
- 3 Cllr BEHAN: I don't think it provides enough protection to the members of the public, that  
4 amendment. I discussed it at a very early stage, it was - I don't propose to drag the whole thing  
5 out, but I just think - or I want to be recorded, as not agreeing with it.
- 6 CATHAOIRLEACH: Okay.
- 7 Cllr Tommy CULLEN: Chairman, I have to agree with Cllr Behan on this, I don't think this  
8 amendment 98 gives protection to local communities.
- 9 CATHAOIRLEACH: They turned yours down.
- 10 Cllr Tommy CULLEN: Do you want me to speak louder? Chairman, I don't think this - we  
11 really don't know enough about the effects of technology, and we are now getting a lot of reports  
12 about mobile phone usage, and mast usage and it's only in the last - it's only starting to come  
13 true. So I don't think these recommendations are given sufficient protection to communities and  
14 I would like maybe to be put to a vote, Chairman, in you don't mind.
- 15 CATHAOIRLEACH: Anyone else anything to say on that?
- 16 DIRECTOR O'BRIEN: Cathaoirleach, the - one of the structures, Cllr Matthews might have  
17 proposed that. The other bits on time limits and renewal of temporary permissions, that's a  
18 ministerial direction on that, which whether it's in the plan or not, we will have to have  
19 cognisance of, it's just recognising what the reality is. The obsolete structures was one proposed  
20 by Cllr Matthews, he might want to speak on it again, I am not sure
- 21 CATHAOIRLEACH: Do you want to say something Cllr Matthews.
- 22 Cllr MATTHEWS: Just we can put it to the vote, are we?
- 23 CATHAOIRLEACH: It looks like we will have to sure, if people aren't in agreement with it?
- 24 Cllr Tommy CULLEN: Chairman, it's just that we have all down through the years had  
25 problems with these antennas and particularly rural Councillors, where these can be very  
26 obtrusive in the landscape.
- 27 Cllr WINTERS: I can't hear any of this.
- 28 CATHAOIRLEACH: He is using the mic.
- 29 Cllr WINTERS: It's not your fault Tommy, the system is rubbish. The volume doesn't seem to  
30 be up today.
- 31 CATHAOIRLEACH: Councillor, are you finished Cllr Cullen.
- 32 Cllr Tommy CULLEN: No, I am not Chairman.
- 33 CATHAOIRLEACH: Just put your head in a bit to the mic.
- 34 Cllr Tommy CULLEN: Sorry, I don't want to start shouting. Just as a rural Councillor, I am

1 very acutely aware of the effects that these amendments could have down the road, and I  
2 understand what Mr O'Brien is saying that this is ministerial directions, but we represent the  
3 people of County Wicklow and the Minister represents his own vision, but we have -- this to me  
4 does not give sufficient strength to rural communities from these masts and antennas and  
5 schools, and it doesn't give any specific details about distances or anything like that. And I  
6 really think that we should be extremely cautious going forward in voting on this, because I  
7 think it's too loose and it could give, it could open the door to masts in areas that would have  
8 detrimental effect on communities and schools and healthcare facilities and stuff like that. So  
9 Chairman, I think we should put this to a vote.

10 CATHAOIRLEACH: Councillor, what part do you want deleted or improved?

11 Cllr Tommy CULLEN: I mean Chairman all of it, because there is really no - it doesn't tie  
12 anything down. It's a very general and a very vague type of a submission, or - and it leaves too  
13 many doors opened.

14 CATHAOIRLEACH: Cllr Behan, I don't know who is waiting but I see you putting your glasses  
15 up there.

16 Cllr BEHAN: I didn't want to delay the meeting, I just wanted to state my objection to this,  
17 because if you have a simple look at the blueprint which is what is in the Development Plan and  
18 if you look at time limits, there was a time limit. There is no time limit now in the new proposed  
19 amendment. So for instance, you know, there were a lot of safeguards built in by members of  
20 the Council in the last plan, which are effectively now being taken out. And a simple look  
21 through will see that the last plan was much more conservative, it was much tighter, this one is a  
22 lot looser, gives a lot more scope to planners to decide in their wisdom whether they want to give  
23 permission for these or not, and it also allows people who construct these masts to have no time  
24 limit on them afterwards, despite whatever might happen with new technology and so on and  
25 whatever might be found to have implications for people's health. All I am really saying is if we  
26 are going to have a vote, it was put in on the last occasion, I am not happy with it, I think we  
27 should just have a vote and say do we accept the amendment or do we not? That's it.

28 CATHAOIRLEACH: Cllr Vance.

29 Cllr VANCE: Chairman, it's obviously from this, I think this was accepted by the members in  
30 July. So I mean we obviously, did we have a vote on this in July as well? So you know, it's fine  
31 bringing it up now at this stage.

32 Cllr BEHAN: I said the same thing...

33 Cllr VANCE: That's fine, all I am saying is that this was proposed in July and it was accepted  
34 by the members in July. We have another - that's a fact and we have a vote on it now again, I am

1 happy enough to vote on it again, but I am saying the majority of members accepted this in July  
2 and I think that should be said. Let's have a vote on this.

3 CATHAOIRLEACH: Cllr Ruttle wants to come in there please.

4 Cllr RUTTLE: Cathaoirleach, a few years ago in West Wicklow where a phone mast was  
5 proposed and it was obviously within the limits from a National School and I and others made  
6 recommendations that the Council turn down the application, but when it went to An Bord  
7 Pleanala, it was granted and the planners report in An Bord Pleanala was littered with national  
8 policy and appeared to override the other concerns, but the national policy completely overrode  
9 that, and I found that at the time very disturbing.

10 CATHAOIRLEACH: Councillor Gerry Walsh.

11 Cllr WALSH: Even if it's an issue in the absence of time limits in the red text there, is there - is  
12 it an option to go with this and omit that particular point? The absence of time limits is the  
13 concern of the members. Is it an option for us at this stage to change the amendment and delete  
14 and omit that?

15 CATHAOIRLEACH: I am sure we can take a vote anyway.

16 Cllr Tommy CULLEN: Chairman...

17 CATHAOIRLEACH: Just a second, there is other people looking to come in there. Cllr  
18 Matthews.

19 Cllr MATTHEWS: Thanks Chairman, that amendment that I have put in was approved by  
20 members...

21 Cllr WINTERS: I am sorry, I just can't hear this, it's really unfair.

22 CATHAOIRLEACH: Do you want to be up here?

23 Cllr WINTERS: People who have other disabilities are actually facilitated. I am hearing  
24 impaired and I would like if the microphones could be used properly and effectively. I am just  
25 sick of it. I am sitting here straining, every time the light comes on...

26 CATHAOIRLEACH: I don't know who is looking for to come on.

27 Cllr WINTERS: Get the system fixed then. It is ridiculous!

28 CATHAOIRLEACH: The system is, there is something wrong, Cllr Matthews.

29 Cllr WINTERS: Get the system fixed.

30 CATHAOIRLEACH: We are planning to do that.

31 Cllr WINTERS: We shouldn't be having the meeting, I am sorry, I am hearing impaired, I say it  
32 every month, I have said it to you, to the Chief Executive, that I find it really difficult to follow  
33 the meeting, the way I am positioned, I can't look up at the screen, I have to have it on my own  
34 screen and I can't hear what's being said, I know it's hard for the stenographer, she has

1 headphones on and off. We should be able to provide a meeting that facilitates people with  
2 disabilities. We are able to help Tommy today because he has a sight problem at the moment.  
3 But I am hearing impaired and I think it's really unfair that I have to struggle at every single  
4 meeting and that we can't provide proper facilities.

5 CATHAOIRLEACH: I agree with you. Cllr Matthews. Will you just pull your microphone in  
6 slightly.

7 Cllr MATTHEWS: Can you hear me on that now, hello?

8 Cllr WINTERS: There is something wrong with the volume, even when the mics are on, I can't  
9 hear today.

10 Cllr MATTHEWS: Chairman, thanks, I am just concerned if we put this to a vote, there is a  
11 possibility we lose that amendment on obsolete structures and I think that was a very important  
12 amendment that we put in. Can we get clarification on what exactly has been asked for in this  
13 amendment and however we can go in amending it before us here today. Because I definitely  
14 want to keep that one year amendment on obsolete structures in this amendment.

15 CATHAOIRLEACH: Cllr Blake.

16 Cllr BLAKE: I would support Cllr Matthews' comments there. Certainly we went through all  
17 this in the past as well, at quite some length and we looked to ensure that particularly where  
18 structures that were obsolete, as Cllr Matthews said there, that they don't remain there in place  
19 for whatever period of time that people choose to do so, so without an addition, or any other  
20 amendment being put forward to us here today, I would be very, very concerned about taking  
21 this out of it all together, that we would reduce the text of it, and the whole objective of what we  
22 wanted to do at the at the time, and that was particularly to ensure that obsolete masts were taken  
23 down within one year of the structure being no longer in use. I would be concerned if we take it  
24 out today, we end up with nothing at all.

25 CATHAOIRLEACH: Cllr Behan.

26 Cllr BEHAN: I don't have any problem with what Cllr Matthews has proposed, which is in the  
27 red, what I am saying is we I don't think we should take out the blue. And what Cllr Matthews  
28 said is consistent with what I am saying, ensuring if something is going to be obsolete, it's taken  
29 away. We took out a lot of conservative and very good stuff that was in the last plan that I don't  
30 think we should have. In terms of what he has proposed, I have no difficulty in proposing that  
31 we leave what's blue and we leave what he has put in there, and we take out the other two red  
32 points at the end, which are effectively giving no time limits.

33 CATHAOIRLEACH: Councillor Tommy Cullen.

34 Cllr Tommy CULLEN: Yes, Chairman, I am also worried that this could be used for instance

1 for EirGrid masts, because I notice there these pylons, I know access roads and power supply,  
2 access roads, power lines shall be permitted only where it's absolutely necessary and great care  
3 should be taken. In that there is permission there for people to build roads up to these EirGrid  
4 pylons. And that would be a concern as well. But I take - I think that should be deleted from it,  
5 that section. But I do take the point that Cllr Behan is proposing. I think that's a reasonable  
6 compromise. With the omission of that access for power supply, because I think that could be  
7 used, not just necessarily for this, but for other vehicles as well

8 CATHAOIRLEACH: Councillor Murphy.

9 Cllr MURPHY: Well this is not on the Development Plan, but I would just like to acknowledge  
10 Cllr Winters' situation there. I think this has been going on quite a while. Is there a loop system  
11 in this building? And it just proves to show this is where we need a Disability Officer in our  
12 County Council.

13 Cllr WHITMORE: Can I just come in, if there was headphones available, that actually if you  
14 plug it into the headphone jack here, it's really clear. But, you know if there is some  
15 headphones.

16 Cllr WINTERS: It's only clear if people use the microphones, most of the speaking is -- by the  
17 time if you wear the headphones as I have tried on occasion, what happens is that the Chairman  
18 doesn't hit the mic button, so the person is finished speaking before the mic clicks in, so you  
19 don't get anything.

20 CATHAOIRLEACH: There is lots of times the Chairman hits buttons and nothing happens.

21 Cllr WINTERS: Then the system is wrong. You are there nearly a year and I am sick saying it  
22 every single month and I don't think I should sit through a meeting as important as this and have  
23 to struggle for every word. Turn up the volume of the...

24 CATHAOIRLEACH: I am not going to take the blame for the lack of technology. That's the  
25 situation.

26 Cllr MURPHY: Is there a loop system in the building?

27 CATHAOIRLEACH: Cllr Bourke, you wanted to come in there.

28 Cllr BOURKE: I would like to ask for clarification from the manager about the reasons for  
29 deleting all of these safety criteria from the antenna section. Now, I live within 200 metres of  
30 one of these 36 high metre masts and I do notice that full planning was granted for the end of the  
31 five-year period for this structure, so basically now I think it's been granted under the new - even  
32 though we haven't adopted the new Development Plan, the new rules of the Development Plan  
33 have been used in granting that final planning application to the ESB for a 36 high metre mast.  
34 But why did we want to delete the safety criteria, because I would have preferred to see these

1 permissions only lasting for five years and have to be reapplied for every five years, now it  
2 seems it's an indefinite planning permission for 36 metre high masts, which may have concerns  
3 for residents in the future. So could you please explain why you felt it important to delete all the  
4 safety criteria that had been in the plan or can we put them back into it?

5 CATHAOIRLEACH: There is no-one else, I don't know who because of the problem here.  
6 Everyone has talked at this stage have they?

7 Cllr RUTTLE: What about the hands up system?

8 CATHAOIRLEACH: Okay. Des, do you want to come in here?

9 DIRECTOR O'BRIEN: Sorry, I was already on, wasn't I? Am I on there. I have to be more like  
10 Joe Dolan and make love to the microphone.

11 Cllr WINTERS: That's it!

12 DIRECTOR O'BRIEN: The wisdom of Joe Dolan! I shouldn't encourage Cllr Doran, should I?  
13 Look, what we are under here is a ministerial directive on this, the whole thing of a five-year  
14 planning permission initially came from the Minister in guidance that we are only to give five  
15 year permissions because at the time technology was changing a lot and that's what they said.  
16 We had another directive in the last couple of years, which says we shouldn't do that anymore,  
17 which is why we have taken these out. On the safety criteria, that's actually beyond our powers  
18 to actually put that stuff - the health stuff in, because we are not a Health Authority. So you can  
19 leave these things in, if you like, it won't make any difference, it just means that the  
20 Development Plan won't reflect reality out there, but we are obliged to take ministerial directions  
21 on board. That's the first thing.

22  
23 The second thing is that Cllr Cullen was talking about taking out the access roads and power  
24 supply. There was no amendment made to that part previously, so we can't go near that at this  
25 stage at all. Just something I'll just add then for Cllr Ruttle mentioned about close to schools.  
26 All that stuff is still there. If Ashling goes back a couple, she probably has already, if she goes  
27 back up again, she will actually find - there it is there, yeah, the one, two, three, four, and below  
28 that. You will find that that is actually already in the plan, and that hasn't been changed. So all  
29 we are doing there, apart from Cllr Matthews strengthening amendment, which strengthened the  
30 obsolete structures, the other ones are just to make the plan consistent with the ministerial  
31 directives on this. If you want to put the safety things back in, it won't have any practical effect,  
32 you can put them in, but that's obviously what you can do. You certainly can't go and take  
33 anything out that was not amended in the previous meeting.

34 CATHAOIRLEACH: All right.

1 Cllr Tommy CULLEN: Chairman, I think what I was suggesting about access roads

2 CATHAOIRLEACH: Lean towards the microphone.

3 Cllr Tommy CULLEN: I won't repeat Mr O'Brien. It's on Chairman. The access roads, and this  
4 is the concerning part, and it seems innocuous enough until you actually study it, it says access  
5 roads, a new overground power line shall be permitted. For anyone that was in the pylon  
6 debates, that was a big concern of the many thousands of residents around this country. That one  
7 of the big objections was with regards to the access. And this would allow access and it would  
8 also allow overground access to - overground power supply access on roads across hills. And I  
9 don't think it would be a big amendment, in fact it would only be a small minor amendment if  
10 that was deleted. That small section, paragraph, was deleted.

11 DIRECTOR O'BRIEN: Cathaoirleach, I can only repeat, unfortunately the law doesn't allow  
12 you to amend or modify anything that wasn't amended previously.

13 Cllr Tommy CULLEN: Can a Councillor not amend it?

14 DIRECTOR O'BRIEN: No.

15 Cllr Tommy CULLEN: Why are we here then?

16 DIRECTOR O'BRIEN: The main meeting was when you went on public display and you  
17 amended the plan. Anything you amended before goes on display and at this meeting you decide  
18 whether you accept the amendment, reject it or make a modification to it. But anything --

19 Cllr Tommy CULLEN: I only want to make a modification.

20 DIRECTOR O'BRIEN: But you didn't amend that part.

21 Cllr Tommy CULLEN: I am making a modification here today.

22 DIRECTOR O'BRIEN: You can only modify what was amended, this wasn't amended. That's  
23 the law Councillor. That's the law. You can change the blue back, put it back in, you can take  
24 the red out, you can make modifications to that by taking out some of it or not all of it, but unless  
25 it was amended previously, you can't go near it.

26 Cllr BEHAN: To move it on I want to propose we restore the blueprint, secondly that we retain  
27 the red, the first red paragraph within one year of any support ... and that we take out the last two  
28 red paragraphs.

29 CATHAOIRLEACH: Just to clarify Councillor, I presume you didn't want to put back the blue  
30 under obsolete structures? You want to put back the paragraph "safety criteria", obsolete  
31 structures the way it is and put back the duration of permission and take out the other two reds?

32 Cllr BEHAN: Yes.

33 CATHAOIRLEACH: Have we a seconder for that?

34 Cllr LAWLESS: I'll second that.

1 CATHAOIRLEACH: We just have to take a vote on the matter.

2 MS GALLAGHER: Is everybody happy to go for a vote, they understand?

3

4 (A vote was taken)

5

6 Cllr MATTHEWS: Chairman, could you clarify something there, that vote was to remove - to  
7 include the chapter on safety criteria, to include the blue in obsolete structures...

8 CATHAOIRLEACH: No, not that one.

9 Cllr BEHAN: Take out the blue of obsolete structures, fill in the red instead.

10 Cllr MATTHEWS: I thought you were voting there to remove all the red and put in all the blue,  
11 okay, can I change my vote?

12 MS GALLAGHER: Restore the blue print.

13 Cllr MATTHEWS: Are you keeping the ministerial direction? Okay, then I'll keep my vote as it  
14 was.

15 MS GALLAGHER: That's 20 for...

16 Cllr RYAN: Can I change my vote to against.

17 Cllr Tommy CULLEN: Chairman, would it be possible...

18 CATHAOIRLEACH: I just want to get the vote.

19 Ms GALLAGHER: That's Councillor John Ryan against. 19 for, nine against and four not  
20 present. Carried.

21 CATHAOIRLEACH: What was the vote again?

22 MS GALLAGHER: 19 for, nine against, and four not present.

23 Cllr Tommy CULLEN: Chairman, just a bit of housekeeping, we agreed that Councillors will  
24 meet the members of the public here that Councillor O'Connor brought in, I wonder would it be  
25 possible to meet them at 12.15?

26 CATHAOIRLEACH: We are not finishing up until 1 o'clock.

27 CATHAOIRLEACH: Can't you meet them during lunch time?

28 Cllr Tommy CULLEN: We have the same lunchtime as you have.

29 CATHAOIRLEACH: I know that, I would be happy enough to do that if I was in your position.

30 Cllr Tommy CULLEN: I am happy enough, I am thinking about the members of the public here  
31 who are waiting here Chairman and that...

32 CATHAOIRLEACH: I mean what time, we are adjourning at 1 o'clock.

33 Cllr Tommy CULLEN: Could we adjourn it at 12.45?

34 CATHAOIRLEACH: I have no problem with that. The members have to be in agreement.



1 Cllr O'CONNOR: They're gone. That's fair enough then.

2 CATHAOIRLEACH: We will just continue on then. Just before I am asked to mention if any  
3 members have a conflict of interests with any matters in the meeting here, if we would just take  
4 account of them. We are on to amendment number 100. That was proposed by the Chief  
5 Executive and accepted by the members at the last meeting. So is everybody in agreement?

6 Cllr Tommy CULLEN: I need to try and find it.

7 CATHAOIRLEACH: Number 100 on page 208.

8 Cllr McLOUGHLIN: Yeah, agreed.

9 CATHAOIRLEACH: Agreed? Amendment 101 on page 209 or 210. That was amendment  
10 was proposed by the Chief Executive and accepted by the members at the last meeting.

11 Cllr WINTERS: Yeah agreed.

12 Cllr McLOUGHLIN: Agreed.

13 CATHAOIRLEACH: Now we revert to the 25 amendments agreed at the last meeting,  
14 submissions were received, and the Chief Executive recommends adoption, if you could just  
15 bear with me for one moment please. The first one...

16 DIRECTOR O'BRIEN: The second tranche then, we will start with number three. The only  
17 submission here was Woodies retail park supported the amendment.

18 Cllr Tommy CULLEN: What page is that, number 22?

19 Cllr WINTERS: 16.

20 Cllr MITCHELL: Chair?

21 CATHAOIRLEACH: Cllr Mitchell, you want to come in on that.

22 Cllr MITCHELL: I don't have a specific change to this because I am not sure I can, but I do  
23 have a major concern that we are essentially developing this county, greatly expanding the  
24 population without any proper infrastructure, particularly roads and transport. And I think it's  
25 wrong to develop the county. This plan is proposing an expansion of about 16,000 people,  
26 between the census this year and 2022. Now at an earlier meeting, I suggested that in  
27 Greystones' case it shouldn't be expanded until the roads planned 30 years ago were built.  
28 Unfortunately a majority of Councillors seem to want to build the county without the  
29 infrastructure, which I think is ridiculous.

30

31 But anyway, but there is other issues have happened since then, and I think that for instance  
32 since we started this plan, the transport Ireland, TII, has first of all cancelled the Luas to  
33 Fassaroe. Secondly, it has dithered on the M50/M11 traffic jams. At the moment when I came  
34 down here today, they were going way back beyond Kilpedder. And the traffic jams are

1 horrendous. But we are planning here to expand the population of the county by at least 15%  
2 over and above what was planned before, and there is already loads of zoned land as well.  
3 Transport Ireland has - since the year 2010, they have dithered over reports, it's said that the M11  
4 couldn't cope with the traffic then. That's the first report. There has been three reports, none of  
5 which were finalised or agreed. And in December 2013, Transport Ireland said they would do a  
6 study of the M11/M50, they informed Minister for Transport, Leo Varadkar that was the case.  
7 They said it would be here in the next month. They've said so for a year. It's completely  
8 unacceptable that on the one hand we are being told by the Department of the Environment to  
9 expand the county to these levels and on the other hand, the Transport Ireland is not providing  
10 any transport. On the rail, Transport Ireland's transport strategy suggests a shuttle south of  
11 Greystones, presumably stopping the direct trains, which I don't agree with either.

12  
13 And we met Minister of Transport, Minister Ross on the 11th of August and outlined these three  
14 specific problems and since then we have heard absolutely nothing from Minister Ross about  
15 any means to do this. We have continuously asked that Wicklow Council engineers would be  
16 included in the study of the M11/M50. We are the road authority. Our citizens have an  
17 enormous interest in getting to work along that road or going anywhere in fact along that road  
18 and it's completely wrong that on one hand we are being told to expand the county by this very  
19 substantial amount, while we have four-mile traffic jams this morning going into Kilmacanogue.

20  
21 So I would like to say that I think it's mad, and that since we started this planning process, it's  
22 actually got worse because of the cancellation of the Luas to Fassaroe, and continuous dither of  
23 the transport investment, TII. So I just want to say that it's a serious problem for this county in  
24 the future, and we are planning for very serious problems without any proper transport. Thank  
25 you.

26 CATHAOIRLEACH: Des.

27 DIRECTOR O'BRIEN: I think Cllr Mitchell actually prefaced it, you can't really change it at  
28 this stage because this just, this aggregated population figures into housing figures, so the  
29 principle hasn't changed, it's probably not something you can amend at this stage.

30 Cllr MITCHELL: I accept that.

31 DIRECTOR O'BRIEN: I understand you accepted that.

32 Cllr MITCHELL: But the whole situation is mad to be planning for a fantastic increase in  
33 population, and no -- a decrease in transport. There we are.

34 DIRECTOR O'BRIEN: I accept your point of view, yeah.

- 1 CATHAOIRLEACH: All right. Amendment five.
- 2 DIRECTOR O'BRIEN: Page 24. This was actually adding in other mass transit, this was to take  
3 into the NTA strategy and Roadstone have wrote in to say they support the amendment.
- 4 MS GALLAGHER: Agreed?
- 5 DIRECTOR O'BRIEN: The next one is amendment 15, sorry, page 39. Sorry - yeah. And  
6 some - A, B and C of this, where the Chief Executive recommended and there have been  
7 submissions. The first one is - the submissions on these were from the Minister, and Transport  
8 Infrastructure Ireland. So the 15A would be Killmurray South. Which at the amendment stage  
9 you deleted from the draft plan. Agreed?
- 10 Cllr MATTHEWS: Chairman, I don't agree with those, I would like to put them to a vote.
- 11 DIRECTOR O'BRIEN: These have been taken out.
- 12 Cllr MATTHEWS: Oh then I agree to those. (LAUGHTER)
- 13 DIRECTOR O'BRIEN: 15A is agreed, Killmurray South. Killmurray North, the members at the  
14 amendment stage deleted this from the draft plan. Agreed? And C then was Rathmore Ashford  
15 which the members decided, amended to delete from the draft plan.
- 16 Cllr WINTERS: Agreed.
- 17 CATHAOIRLEACH: Okay. The next one then is 17.
- 18 Cllr WINTERS: No. Oh yes, in this group, yeah.
- 19 Cllr McLOUGHLIN: We haven't done 15 yet.
- 20 Cllr WINTERS: There is 15D, E, F.
- 21 DIRECTOR O'BRIEN: We are dealing with ones where there was submissions made, but the  
22 recommendation didn't change. So 17 is page 56. And this was just under Wicklow's rural  
23 economy, and add the word "support and" and the submission was from Roadstone who  
24 supported the amendment.
- 25 Cllr WINTERS: Agreed.
- 26 DIRECTOR O'BRIEN: 19, page 58, there was - the Department actually made a submission on  
27 this, but in fact there was no amendment made to this. Therefore we can't take the Department's  
28 submission on board. So that's agreed I presume.
- 29
- 30 The next is number 23, it's on page 67, and this is actually that there was an amendment made  
31 that for large -- for supermarkets only 20% can be for comparison goods and the amendment was  
32 that outside town centres. Tesco were against that, they want it to be extended to all sites. So  
33 the amendment is just to allow that in town centres. Is that agreed?
- 34

1 Next is number 31, what page is that? Page 80. And this was to omit Castle Tynan from tourist  
2 housing and expand the extent of Ballinahinch. That was an amendment by the Councillors.

3 Agreed?

4 Cllr FOX: Just to take note of a slight mapping change, I know on the access -- I briefly spoke  
5 to Sorcha on it. But I know the original, it was intended that the original mapping would be  
6 re-instated, but there is a slight change, it now includes the GAA pitch, but excludes a small  
7 piece of the access area. Just to take note that I have highlighted a small mapping error stroke  
8 change.

9 MS WALSH: Thank you Cathaoirleach, essentially in the 2004 Development Plan, the extent of  
10 the zoning for this integrated tourism leisure use reflected the boundaries of a planning  
11 application that had been made around the year 2000 I think it was. That planning application  
12 showed an extra sliver of land to the north of this block, which just encompassed the access road  
13 into the actual zoned land. It didn't include any buildings or any part of the actual development.  
14 I'll just show you on the map where this would have been. Just at the very top of the map up  
15 there. It would have been just there, a little strip along there. In the drafting of the new plan that  
16 little strip was taken out, because it wasn't seen as necessary, because it wasn't a piece of land  
17 that was wide enough say for any buildings, you don't need land to be necessarily zoned for a  
18 development to be allowed, improve an access road to it, so it was just a matter of cleaning up  
19 and rationalising the zoning to better the area that was zoned. That was published in the draft  
20 plan that went out on the first public display. When the amendment was proposed in July, there  
21 was no amendment to include that extra strip back in, I presume it was overlooked at the time.  
22 At this stage, it can't be put back in, because additional land can't be zoned - land can't be zoned  
23 for further development at this stage of the plan making process, so the only choice that's before  
24 you is to choose either of those maps that are in front of you there. We wouldn't see it making a  
25 material difference really because it was a narrow strip that basically allowed an access road. If  
26 a development proposal were to come forward that required road widening for example, it  
27 wouldn't be a material factor whether the land was zoned or not, the traffic safety issues would  
28 be the overriding factor, so we wouldn't think it makes a huge material difference to the viability  
29 of a project that might come forward.

30 CATHAOIRLEACH: That's agreed then.

31 Cllr FOX: That's okay, it's just my understanding was it was a historic zoning that was  
32 re-installed into the plan, as per the old zoning, and that the mapping hadn't been changed, but I  
33 fully accept what Sorcha has said and it makes no material difference, so I am in agreement.

34 CATHAOIRLEACH: Okay.

1 DIRECTOR O'BRIEN: Next is number 33, page 83. And tourism recreation objectives and this  
2 one the members deleted an illustrative sentence about Paul Sexton's centre.

3 Cllr McLOUGHLIN: Agreed.

4 DIRECTOR O'BRIEN: Page 83, number 33. I think Chris Fox was talking to us about...

5 Cllr FOX: I am happy to accept - not to pursue it.

6 DIRECTOR O'BRIEN: Leave the deletion in, or take the deletion out?

7 Cllr McLOUGHLIN: Take the deletion out.

8 Cllr WINTERS: No. Accept the deletion.

9 Cllr FOX: I know at the last meeting, there was a different proposal proposed which did not  
10 proceed. It would be my feeling that the old zoning should be left in

11 DIRECTOR O'BRIEN: So then the amendment was to delete T

12 Cllr FOX: I would propose not to delete the old

13 DIRECTOR O'BRIEN: Then we reject the amendment?

14 Cllr FOX: Yeah.

15 DIRECTOR O'BRIEN: Is that agreed?

16 Cllr McLOUGHLIN: No, I don't think we should have - I think we should delete that line, I do.  
17 I don't think we should keep in a specific centre at Sexton's garage. I just don't think we should  
18 do that. I think that's - I just don't think it's right in a County Development Plan to name a  
19 specific premises. So I think it should be deleted. So I would agree, proceed with amendment.

20 Cllr MATTHEWS: I'll second that.

21 CATHAOIRLEACH: Cllr Walsh.

22 Cllr WALSH: I agree with Cllr Fox's proposal. There was no intention to lose the original  
23 zoning on the land, so there was a bit of miscommunication there. I would agree with Cllr Fox  
24 that the original zoning be restored there.

25 CATHAOIRLEACH: Cllr Kavanagh.

26 Cllr KAVANAGH: I agree with Cllr Walsh, apparently there was a problem with the owners of  
27 that site, they have a huge problem with this land being rezoned against their wishes, so I think  
28 we should certainly ensure that it goes back to its original zoning.

29 CATHAOIRLEACH: Then we would need to take a vote.

30 Cllr WINTERS: Does this affect the zoning?

31 DIRECTOR O'BRIEN: This is actually not so much a zoning as an objective, and the objective  
32 is to support the development of craft arts and centres at established tourist facilities, and then it  
33 illustrates that by in particular "The Council will support the ...(Reading)... Glen of the Downs",  
34 it probably in theory doesn't affect it very much, I suppose in practice, I am sure the landowner

1 would say it's better than a kick in the head, you know.

2 Cllr FOX: There has been a long established business on this site for many - for a long number  
3 of years, and now we are not including the tourism or retail proposal which was being suggested,  
4 so it's simple arts, crafts and an interpretive centre and I think it's pretty much in line with the  
5 existing business, so I would be supportive of it remaining.

6 Cllr MATTHEWS: Why do we have to actually specify a business in a location like that?  
7 Because the policy document of this Development Plan, it's our policy of how we use land  
8 throughout the county, so to support the development of craft, artisan centres of established  
9 tourist facilities should cover everybody. We run the risk of people saying I have a craft  
10 business here, you didn't include me in the plan. It's a policy document, a high level document  
11 and it covers exactly what Sextons appear to want to do down there in our policy objectives for  
12 that area. I don't think we should be naming somebody like that. I would support the proposal to  
13 leave the deletion out. To remove that blue text.

14 CATHAOIRLEACH: We will have to take a vote. We will take a straightforward vote.

15 DIRECTOR O'BRIEN: Accept the amendment or not to accept it?

16 Cllr McLOUGHLIN: If you accept the amendment, you are saying delete it.

17 Cllr MATTHEWS: If you accept the amendment, you are saying delete it.

18 Cllr BEHAN: Chairman, I am not quite clear, would it not be easier to say we support Cllr Fox's  
19 proposal or Cllr McLoughlin's?

20 DIRECTOR O'BRIEN: Cllr McLoughlin's will be yes and Cllr Fox will be a nay.

21 MS GALLAGHER: I think we should go for the amendment, which is keep the amendment.

22 DIRECTOR O'BRIEN: We accept the amendment, you are siding with Cllr McLoughlin's point  
23 of view and if you reject it, you are siding with Cllr Fox's point of view. Is that all right?

24 MS GALLAGHER: Okay, so --

25 Cllr Tommy CULLEN: Chairman, I don't understand this, now, can I have some clarification, I  
26 mean if you are supporting Cllr Fox, do you vote yes or no.

27 MS GALLAGHER: No, no, against.

28 Cllr LAWLESS: You are rejecting the amendment.

29 MS GALLAGHER: If you vote yes, you are accepting the deletion of the blue.

30 Cllr Tommy CULLEN: Is that what you are proposing Cllr Fox?

31 MS GALLAGHER: And if you are voting no...

32 Cllr Tommy CULLEN: You are against that.

33 MS GALLAGHER: Okay.

34

1 (A vote was taken)

2

3 MS GALLAGHER: So that is 28 against, two for, and two not present. Motion carried.

4 DIRECTOR O'BRIEN: So that was 33. 34, page 85. This is about blue ways and the national  
5 parks and Wildlife Service. We are against it. But we say there is lots of policies in the plan  
6 which would take on board all of the issues they have on it. So the Chief Executive is  
7 recommending. Agreed?

8

9 Amendment 35, page 87, this was healthcare and development, was omitting Blainroe and  
10 Woodenbridge. Agreed.

11

12 Page 90, amendment 37, public transport, it was some stuff the NTA document to put into the  
13 plan, Roadstone was the only submission, they supported it. Agreed?

14 Cllr WINTERS: Sorry, does the NTA, is that Transport for Ireland now or is it still the NTA?

15 DIRECTOR O'BRIEN: No, National Transport Authority. And it was basically - it was  
16 changing technical parts in the plan. Agreed?

17

18 Amendment 43 page 100, this submission was from Roadstone who support it because the  
19 original amendment was based on what they wanted in the first place. They wanted the change  
20 monitors to monitoring. Agreed?

21

22 And the next page 101, amendment 44 was the same, except the last one related to omissions  
23 this, related to noise and Roadstone are obviously supporting this as well. Agreed. Amendment  
24 46, page 105,

25 Cllr BOURKE: Sorry, just to go back to number 44 there. Noise pollution. In the event of  
26 community alleging that there is noise pollution from a windfarm...

27 DIRECTOR O'BRIEN: This is to do with quarries.

28 Cllr BOURKE: Only quarries, okay.

29 DIRECTOR O'BRIEN: 46 is to do with wind energy objectives and take out the ten-year  
30 permission. The submission we got was from an Irish wind energy agency who are against  
31 taking out ten-year permissions. The Chief Executive is recommending we take it out.

32 Cllr BEHAN: Cathaoirleach, as I would read that then, that's effectively a less conservative  
33 view of the wind farms then, would that be correct?

34 DIRECTOR O'BRIEN: No, that's liberal.

1 Cllr BEHAN: Taking that out is less liberal.

2 DIRECTOR O'BRIEN: I think so yeah, this gives them ten-year permissions, they only get  
3 five-year permissions instead.

4 Cllr BEHAN: Thank you.

5 Cllr MATTHEWS: Is that 45?

6 DIRECTOR O'BRIEN: That's 46, page 105 agreed. Next one is amendment 50, page 109, and  
7 the amendment was to do with heritage and it talked about above and below ground and water  
8 and the Mining Heritage Trust of Ireland wanted a different wording, but we thought our  
9 wording was clearer.

10 Cllr WINTERS: Okay. Agreed.

11 DIRECTOR O'BRIEN: Next one is amendment 58, page 133. And this was basically just, the  
12 red dots in there were showing the ones that were national heritage areas. Roadstone supported  
13 the - the Mining Heritage Trust of Ireland supported it, Roadstone actually want a modification,  
14 but they can't have a modification because what they want it for was not amended, so we are  
15 precluded from taking that. Agreed?

16

17 Next is amendment 60 on page 137. It was to facilitate coastal protection, the National Parks  
18 and Wildlife Service were against that. We feel there is enough protection in the plan to take on  
19 board their reservations, so the Chief Executive is recommending that amendment stay. Agreed?

20 Cllr WINTERS: Agreed.

21 DIRECTOR O'BRIEN: Amendment 63 page 142. Again this was found to be invalid. No, I am  
22 jumping ahead of myself, sorry. The only submission here was from Inchnappa, the wording,  
23 the name Inchnappa was spelt incorrectly. This is to allow a relaxation of the 100 metre from  
24 the N11 down to 50 metres and the Chief Executive is recommending it.

25 Cllr MATTHEWS: Amendment 61...

26 DIRECTOR O'BRIEN: It wasn't on this list.

27 Cllr MATTHEWS: It wasn't on this list, was it not. Sorry, my apologies.

28 DIRECTOR O'BRIEN: Is 63 accepted? 64, page 143. This is to amend the land use zoning  
29 map at Bramble Glade from residential to open space. A Pat O'Connor wanted the open space to  
30 be made for local housing, but again there was no specific amendment for that, so that can't be  
31 taken. Agreed?

32

33 The next one is 74.

34 CATHAOIRLEACH: Just press your button.



1 DIRECTOR O'BRIEN: On the Bramble Glade, there is a very large bit of open space there and  
2 it had zoned residential, zoned RE, existing residential and it was put into open space, because  
3 it's such a big block of open space. One person, Pat O'Connor, made a submission, wanted part  
4 of that to be zoned for local housing on the open space.

5 Cllr FORTUNE: Is that not a good idea?

6 DIRECTOR O'BRIEN: Depending on whether it was your open space.

7 Cllr FORTUNE: We are saying keep it open space?

8 DIRECTOR O'BRIEN: Yeah.

9 Cllr FORTUNE: Oh, okay.

10 DIRECTOR O'BRIEN: How could you have thought otherwise Councillor, coming from the top  
11 table.

12 Cllr FORTUNE: Director, it's very important I and others as public reps hold you to account and  
13 that keeps you and me going.

14 DIRECTOR O'BRIEN: I am very grateful to you for it.

15 Cllr FORTUNE: I know you are!

16 DIRECTOR O'BRIEN: Next one is amendment 74, 158. This was to amend Action Area Plan,  
17 the submission from a third party wanted a right of way across to Knocksink Nature Reserve, but  
18 that was outside of the area that was part of the amendment, so we can't take that. Accepted?

19

20 The next one is 94. Page 191. This was on conditions for quarries, Roadstone wanted to have  
21 no annual maximum extraction, which the Chief Executive is not recommending. We are  
22 recommending that the amendment stands as it is. Agreed?

23 Cllr WINTERS: Agreed.

24 DIRECTOR O'BRIEN: Next is amendment 96, page 194. And this just adds standards for step  
25 down housing, which is related to the re-zoning in Carnew. This is for step down housing beside  
26 nursing homes. Agreed? Next one is 103, page 202 -- 212, sorry. And the submission here, this  
27 added additional map showing flood risk zones in each coastal cell and we got a submission  
28 from Evans on Charlesland who said our map wasn't the same as the OPW maps. It's just that  
29 our maps were too small a scale, they are actually the same maps, and we will be putting in a  
30 health warning on that page to state that you are best to consult the OPW maps which are online,  
31 and you can actually zone right down to very, very small areas. So agreed?

32 Cllr Tommy CULLEN: Just Chairman --

33 SPEAKER: The submission from the Evans, are they right in what they're saying?

34 DIRECTOR O'BRIEN: The scale on our maps is very, very small, when you look at it, you

1 would think on the OPW maps, the buildings are excluded from the flood area, and if you blow  
2 our map up, which you can't do on a paper copy obviously, you would see we are the same, but  
3 we will be putting a health warning on the maps to say you are best consult the OPW maps to get  
4 the up-to-date flood risk areas.

5 CATHAOIRLEACH: Cllr Cullen.

6 Cllr Tommy CULLEN: I wouldn't have as much confidence in the recent updated OPW map. I  
7 wouldn't have as much confidence as Mr O'Brien would with recent updated or draft OPW map  
8 given the -- I want to choose my words carefully, given the huge contradictions in those maps in  
9 the Greystones area, and particularly at Charlesland and I think very controversial maps, and  
10 seem to fly in the face of gravity. That's all I am going to say Chairman.

11 DIRECTOR O'BRIEN: Agreed? So we go on to the third, this is three, we start with  
12 amendment 69.

13 Cllr Tommy CULLEN: What page Chairman?

14 DIRECTOR O'BRIEN: 151. These were passed by the Councillors at the last meeting. The  
15 Chief Executive is not recommending them.

16 CATHAOIRLEACH: Cllr Kennedy.

17 Cllr KENNEDY: Thank you Cathaoirleach, can you hear me. Cathaoirleach, I am  
18 recommending -- these lands measuring four acres or 1.6 hectares in Aughrim, those lands are  
19 already zoned existing residential, as per the County Development Plan. This site is held by the  
20 site owner's lending institution as equity relative to the owner's remaining land holding. The  
21 proposed de-zoning would leave the owner in an untenable position with his lending institutions.  
22 The site is serviced by a third road, ESB, phone lines, public lighting, water mains and a public  
23 sewer. The junction, the junction at the R747 has been upgraded and now has significant  
24 sightlines in both directions. I am proposing these lands be zoned R special for four housing  
25 units only.

26 CATHAOIRLEACH: Are the members in agreement?

27 DIRECTOR O'BRIEN: Okay, amendment number 70. It's something similar, except this is land  
28 around the Millbrook, is it?

29 Cllr KENNEDY: Millwood.

30 DIRECTOR O'BRIEN: It's a similar amendment, the Chief Executive is not recommending it.

31 Cllr KENNEDY: These lands measure 1.94 hectares, they're zoned already in the existing  
32 residential zoning as per the current County Development Plan, 2010 to 2016. Estimated  
33 capacity of these lands was between 30 and 40 units. The Council have taken over the adjoining  
34 Millwood estate, which consists of 22 houses. The internal road of the Millwood estate runs

1 directly to the boundary of the ditch of these lands and I would propose these lands be zoned R  
2 special for a maximum of five housing units only.

3 MS GALLAGHER: Just to keep things right, can we have a seconder for vote number 69 as  
4 well.

5 Cllr SNELL: I'll second number 69.

6 CATHAOIRLEACH: Are the members in agreement?

7 MS GALLAGHER: Sorry who seconded?

8 CATHAOIRLEACH: Is that agreed then by the members?

9 DIRECTOR O'BRIEN: Next one is amendment 71, on page 153. To amend the land use zoning  
10 map at Lathaleere from employment, to unzone it in fact, to unzone land. This is on the  
11 Rathvilly road. So this is to take zoning away from land.

12 CATHAOIRLEACH: Are the members in agreement?

13 DIRECTOR O'BRIEN: This was proposed I think at the last meeting by Cllr Cullen.

14 Cllr Tommy CULLEN: What is being proposed, is somebody proposing something different?

15 DIRECTOR O'BRIEN: No.

16 Cllr Tommy CULLEN: It's just added in that it's agricultural?

17 DIRECTOR O'BRIEN: Are you agreeing to the amendment? The Chief Executive is  
18 recommending against this.

19 Cllr Tommy CULLEN: But the Council is going to leave it as it is.

20 DIRECTOR O'BRIEN: Yes. It will be unzoned from now on.

21 CATHAOIRLEACH: We need a proposer and seconder there please.

22 MS GALLAGHER: Proposed by Cllr Cullen, seconded by Cllr Doran. Agreed?

23 Cllr VANCE: I throw my objection into that, I want to vote on it.

24 Cllr BOURKE: Why are we taking a zoning away from an employment zone when we are  
25 trying to create jobs?

26 DIRECTOR O'BRIEN: I think from memory Cllr Cullen felt having a employment zoning next  
27 to a residential area, he thought having employment next to the residential area would be unfair  
28 to the residents. That's my memory of what he said.

29 Cllr WINTERS: Can we take a vote on that then?

30 Cllr MITCHELL: Is this Council land?

31 DIRECTOR O'BRIEN: No, it's private land.

32 CATHAOIRLEACH: If members don't agree with it, you can vote against it or for it.

33 Cllr Tommy CULLEN: There is no submissions on it Chairman.

34 CATHAOIRLEACH: There was no submissions made, no.

- 1 Cllr MITCHELL: We do need more employment.
- 2 Cllr Tommy CULLEN: It's in a similar area to sub 300 houses.
- 3 Cllr MATTHEWS: What's the zoning at the moment?
- 4 Cllr MITCHELL: Employment.
- 5 Cllr MATTHEWS: Am I reading the wrong one?
- 6 Cllr WINTERS: Amendment 71.
- 7 CATHAOIRLEACH: Just a second, is your light on there, is it?
- 8 Cllr BLAKE: My understanding there was zoned agriculture in the past. The management are  
9 proposing to zone it industrial and the people in Baltinglass want it left as it is, that's all we are  
10 doing.
- 11 CATHAOIRLEACH: Is that agreed? What we are proposing there.
- 12 DIRECTOR O'BRIEN: Next one is amendment 84 on page 178. In fact there are three small  
13 boundary extensions of zoning in Newcastle, so 84 is the first one. The Chief Executive is  
14 against these.
- 15 Cllr MITCHELL: I'll second it.
- 16 DIRECTOR O'BRIEN: 85.
- 17 Cllr McLOUGHLIN: Agreed, I propose. I am proposing I am opposing.
- 18 MS GALLAGHER: Seconded.
- 19 CATHAOIRLEACH: Gerry Walsh.
- 20 DIRECTOR O'BRIEN: 86?
- 21 Cllr MITCHELL: I propose that.
- 22 Cllr McLOUGHLIN: I'll second it.
- 23 DIRECTOR O'BRIEN: We are on to 102. Amendment 102, which I don't have the page yet.  
24 211. And we are amending text about health and impact assessments, because it's not in the  
25 ministerial guidelines.
- 26 Cllr BEHAN: Chairman, this was an amendment that I proposed and it's just unbelievable when  
27 you actually look at the statement that current ministerial guidelines do not require the  
28 submission of a HIA or a consideration of health impacts. So effectively, that's not the planners'  
29 fault now. The Government of this country do not have any concerns obviously about having  
30 any study into the health impacts of wind turbines. Industrial strength, industrial sized wind  
31 turbines, so when I proposed this, I was putting it in as an effort to try and ensure within our  
32 Development Plan, that we would seek at the very minimum, a health impact assessment to go  
33 with every other kind of assessment that would have to come in. I just think that's the very least  
34 we owe to the people who would be possibly living in proximity to these guidelines and we are

1 going to hear later on about the other proposals in relation to wind farms and so on and the  
2 Minister telling us what we can and can't do, but yet the Minister doesn't seem to have an interest  
3 in protecting the public health of people who may live in the vicinity of these. I think it's  
4 essential given that the Minister can't be bothered to put it in, that we should put it in our  
5 Development Plan, as a basic minimum standard. That's why I propose it Cathaoirleach.

6 Cllr Shay CULLEN: I'll second that.

7 CATHAOIRLEACH: Agreed.

8 Cllr MATTHEWS: The Chief Executive's recommendation is we should adhere to ministerial  
9 guidelines and that's why not to proceed with this amendment. That we should adhere to  
10 ministerial guidelines at all times in planning? I just want to make that point, thank you  
11 Chairman.

12 DIRECTOR O'BRIEN: Okay, we are on to group four, which is a singleton. Amendment 61.  
13 Sorry page 139. We got a submission on this from Roadstone. The Roadstone submission said  
14 the maps were incorrect and they've asked the OPW to change them, that the justification test  
15 under the flood guidelines would allow them objectives - the Chief Executive's advice is this  
16 objective is not required, that there are other objectives in the plan that cover this.

17 Cllr WINTERS: What does the EPA say, we got the Roadstone submission, but not the EPA.

18 CATHAOIRLEACH: Can you put on your mike, so somebody can hear you. (LAUGHTER)

19 Cllr WINTERS: The funny thing is Chairman that I actually can hear myself and I am the one  
20 that has the hearing problem! So what did the EPA say, it says "The thereto amendment was  
21 recommended by the Chief Executive in his last report but on foot of a submission from the EPA  
22 ...(Reading)..." Oh, "on foot." Why would you change your mind?

23 DIRECTOR O'BRIEN: Because the Roadstone submission actually showed that the OPW maps  
24 were wrong in this case. I'll let Sorcha do this, she is more...

25 MS WALSH: The previous plan making stage, the EPA came in and drew our attention to  
26 coastal flooding, and suggested that the plan includes a strong policy with regard to the risk of  
27 coastal flooding and we drew up this draft policy in light of that, and it's actually the submission  
28 from Roadstone that's drawn our attention to the fact that the OPW guidance, the ministerial  
29 guidance on flooding don't actually prohibit development in areas of high risk of coastal  
30 flooding, they require a process has to be followed if an area is at risk of flooding and you go  
31 through various tests, so we are a bit overzealous in our wording by using words like "prohibit",  
32 so we are recommending we don't proceed with this in this particular form, this particular policy  
33 because it's not technically correct. But we do have a raft of other policies in the Development  
34 Plan already that aren't the subject of the amendment stage that deal with the issue of

1 development in areas that might be considered high risk of flooding, whether that be from rivers  
2 or coasts.

3 MS GALLAGHER: Do we need a seconder for that?

4 DIRECTOR O'BRIEN: We need to reject the amendment.

5 Cllr WINTERS: I don't agree.

6 Cllr MATTHEWS: Chairman, look, we have had a couple of parts of the Development Plan  
7 here where we have been highlighting issues where they didn't really seem to be necessary to be  
8 done, such as the health impact assessment for wind turbines, which is covered in many other  
9 areas aside from planning and then if you want to take it local, we itemised Sextons as a  
10 particular area when it's a policy of ours anyway. I don't think it's any harm to highlight the risk  
11 of development in flood areas and I take the point that the senior planners have made that it's  
12 covered in a number of other areas, but could we amend it to not prohibit, but to not encourage  
13 development in areas, and Roadstone's submission here is for a particular site. I don't think it's  
14 any harm on a county wide basis for us to say we would not be in favour of development in areas  
15 of high risk flooding and leave that in there. We are not saying we are not going to prohibit, in  
16 some cases some types of development will be permitted, such as football pitches maybe  
17 permitted in areas of flooding because they won't have a negative impact. So I would say to  
18 support appropriate development or to - I'll leave the planners to put their skills to use there, they  
19 can normally craft this wording in an appropriate way.

20 DIRECTOR O'BRIEN: Could we change "prohibit" to "appropriately manage"?

21 Cllr MATTHEWS: What does that mean?

22 Cllr WINTERS: Can you do that though?

23 DIRECTOR O'BRIEN: That's a modification.

24 Cllr MATTHEWS: It's a minor modification.

25 Cllr WINTERS: It's either in or out, you can't have a modification at this stage

26 DIRECTOR O'BRIEN: We can have a modification, we can't - that's a minor modification. Do  
27 you want to put "resist", "resist"?

28 Cllr MATTHEWS: "Resist" or "disincentivise" or "not support", I'll leave the appropriate  
29 wording to yourself, it's been very well crafted so far.

30 Cllr WINTERS: We have to vote on it.

31 DIRECTOR O'BRIEN: Come back after lunch with it.

32 CATHAOIRLEACH: Maybe we will just leave that until the afternoon. Cllr Cullen wants to  
33 come in there.

34 Cllr Tommy CULLEN: I think it's critically important that we deal with flooding correctly. You

1 know in my lifetime I have seen, three children drown in flooding areas and particularly  
2 flooding, it can come up in three or four minutes and take a child from their gate, beside rivers,  
3 but we will deal with it after dinner

4 CATHAOIRLEACH: We will break now until 2 o'clock. All right.

5  
6 Luncheon adjournment

7  
8 CATHAOIRLEACH: We will recommence the meeting again. Hello, my microphone mustn't  
9 be working. We are going to continue with the ten amendments, and the first one, chapter five,  
10 15D, over to you Des. Sorry, we have to get the wording on 61, yeah.

11 DIRECTOR O'BRIEN: Thank you Cathaoirleach. No, just getting back to amendment 61, we  
12 looked at wording there, and really we don't think it's within the law of minor modification we  
13 can do anything to modify this. The problem with this, this was something that the EPA  
14 suggested we do, and we went along, and did it, but Roadstone brought up a very, very good  
15 point about the justification test and in fact we have another one elsewhere about river flooding  
16 and it's basically except where the justification test allows it. The problem with this and this  
17 covers all the coastal zoned areas, and basically says prohibit development in areas at high risk  
18 of coastal flooding. Now that would include the seafront of Bray, a lot of Arklow, I am not sure  
19 about Wicklow Town. And it's not something we certainly intended to be, because now you are  
20 actually saying in the plan that the justification test doesn't apply.

21  
22 So again, we strongly recommend that we reject this amendment. Because it was a mistake on  
23 our part, we put it in and we didn't see what the result of putting this in would mean. We think  
24 it's all far too all encompassing and we would recommend you reject it accordingly.

25 CATHAOIRLEACH: Cllr Matthews.

26 Cllr MATTHEWS: Sorry Chairman. I thank the Director for coming back with the response on  
27 that. However, if you look at our coastal zone management objectives, you could apply that to  
28 them all. And what I am most concerned with in this one, X, this new one, is that development,  
29 areas of high risk, and we can water that down a bit if you want, but what troubles me is the last  
30 part of it that would interfere with the natural flood alleviation characteristics of the coastal zone.  
31 That's critically important that we don't allow development that would prevent these flood waters  
32 from running away. And the Roadstone application, I don't believe that the Roadstone  
33 submission here, they're referring specifically to their site here, the reference. But this is for the  
34 entire county. Now the objectives we have in are pretty good, but I think we should include the

1 subjective as well and we can change the wording of it that it's not, that it doesn't change hugely  
2 the objective here. But I don't see which part of it is the problem. If you can show me in the  
3 Development Plan where it says we prohibit development of areas of high risk of flooding, I'll  
4 accept that that's in already but I would like to preclude that we "Wouldn't allow  
5 ...(Reading)...brine."

6 CATHAOIRLEACH: Councillor Tommy Cullen.

7 Cllr Tommy CULLEN: I would be concerned about this, we need clarification. About building  
8 in - on flood plains or building near flood areas at risk, whether - particularly residential, because  
9 the big problem is that if you start building on flood plains, you simply shift the flooding to some  
10 other area of the town. And that's the big problem. And they're not flood plains or flooded areas  
11 by accident. They're there because that area, an area that there is things for football fields and  
12 things like that because they'll soak up the water in any event, so they'll act as a flood plain. If  
13 you start building in areas that have been identified as serious areas of flooding, you are putting  
14 people's lives at risk, but you are putting people's homes at risk, and businesses at risk and  
15 employment at risk. I think we should adhere to the policies that the Government have laid out  
16 with regards to protecting flood areas, I would just like some clarification and maybe I am taking  
17 this up wrong, this is why I am looking for clarification, would this allow for residential areas to  
18 be built on flood plains or adjacent to flood plains? Could I have that clarification. Thank you  
19 Chairman.

20 CATHAOIRLEACH: Des.

21 DIRECTOR O'BRIEN: Okay, first of all Cllr Matthews, the difficulty is in the law. We can  
22 modify, in fact we can do minor modification, and we don't think we can do anything on this,  
23 because the problem here is prohibit. Prohibit is very, very black and white and nothing can  
24 happen. So for instance if someone wanted to put an extension in Fontenoy Terrace or  
25 something, that would have to be refused on that basis. I don't think that's what was intended  
26 when we adopted this amendment. Or put this amendment on display. It's too all encompassing.

27  
28 About your big thing, main point, Cllr Matthews, was interfere with natural flood alleviation  
29 characteristics of the coastal zone. But in FL5, it says "to prohibit development in river flood  
30 plains or other areas known to provide natural attenuation for flood waters." And then that's  
31 tempered with "except where the development can be clearly ...(Reading)... justification test."  
32 That would cover the other areas known to provide for natural attenuation. I think we are  
33 covered there on the bit you are concerned about.



1 Cllr Cullen, coastal flooding doesn't have flood plains. Flood plains are more a function of  
2 rivers where the river can overflow its bank and the water then settles in the flood plains and  
3 then when the river goes down, the flood plains drain back in, so you take away the peak river  
4 heights as they proceed aside lands down stream. So this wouldn't really affect flood plains, but  
5 it does affect natural attenuation, so if there was a place where water was known to go across the  
6 coast into a sort of an area, flat area, where the energy would be taken out, that's something that  
7 would be covered by the policy FL5. I am just thinking in the terms of the word "prohibit"  
8 would have effects that we certainly think would not be desirable, because you could probably  
9 say all of - certainly the southern part of the Bray seafront is prone to coastal flooding. That  
10 would mean no development along there at all.

11 CATHAOIRLEACH: Cllr Cullen again.

12 Cllr Tommy CULLEN: I hear what Mr O'Brien is saying. But the problem is that if a coastal  
13 area floods and if you do away with the natural flood plains of the estuary, what happens is the  
14 water, the flood water then backs up upstream, like for instance on very high tides in Wexford,  
15 60 miles away it floods Baltinglass, because there is a back-up where - along the estuary,  
16 Wexford has been allowed to build a lot of houses on the natural estuary flood plains and as a  
17 results the water then coming down from the hills, or coming down from Wicklow or other  
18 places, I am sure the same is coming into Greystones and Bray and all, they won't be able to  
19 clear because the natural flood sponge of the coastal area has been taken up with development.  
20 So if you are going to develop on something, you are simply pushing the water back upstream,  
21 so it will start flooding upstream and flooding the houses upstream. That's why it's important  
22 when the water is clearing out of a river, that it has its clearest flow out to the sea as is possible  
23 and not as clogged up. If it's clogged at the estuary, it's going to back-up into the towns and  
24 villages on the river's route. Thank you Chairman.

25 CATHAOIRLEACH: Cllr Matthews.

26 Cllr MATTHEWS: Thanks Chairman, look I accept what you say FL5 covers to prohibit  
27 development and you could argue that other areas would cover the coastal, but we do have a  
28 coastal zone management section and I think it's very fitting this should be included in the  
29 coastal zone management section. If you are saying putting in this objective in some way  
30 contravenes the law that's there, then you would also have to say that FL5 does it as well. We  
31 can make this amendment right by including the words "except where the development can be  
32 clearly justified by the flood risk justification test", that would make that section okay and it  
33 would be in coastal management and would just reinforce that we take flooding in coastal areas  
34 as seriously as river areas. We have done this in other parts of the plan where we have put stuff

1 in that may not be required, but it does focus the attention that we have concerns about flooding  
2 and I really don't think if you were to put in that amendment to it, it would change it hugely. All  
3 you are doing is reinforcing what we have already for rivers and we are applying to the coastal  
4 zone. I would ask that we do keep it in. It's the exact same as FL5 and applies to coasts.

5 DIRECTOR O'BRIEN: Councillor, I would agree completely with you by putting in the  
6 justification test would make it fine. My difficulty and our difficulty is the law says you can  
7 make minor modifications and we don't think this is a minor modification. It is minor, it's minor  
8 in the scheme of things, it's very, very minor, but legally we are concerned that this would not fit  
9 into the definition of minor modification. I don't disagree with anything you are saying. But we  
10 do think in FL5, it's all right because it has that justification test, it's not black and white, nothing  
11 can happen, prohibitive. And there are guidances on that and law on that, on the flood risk  
12 guidelines, allow for justification test. But we just don't think - I don't disagree with you at all  
13 on anything you are saying.

14 Cllr MATTHEWS: Are you saying at this stage in the plan it wouldn't be acceptable to put in  
15 this amendment and modification to this amendment because of the stage...

16 So at this stage in the plan, people can't make new amendments.

17 DIRECTOR O'BRIEN: You can make minor modifications but the law is very, very restricted.

18 Cllr MATTHEWS: I could come back and propose a variation to this plan?

19 DIRECTOR O'BRIEN: If we are doing a variation of any area of the plan, I would be happy to  
20 put it in. I don't want to go through a whole variation just for that.

21 Cllr MATTHEWS: I'll accept your word on that, thanks Chairman.

22 DIRECTOR O'BRIEN: Okay.

23 CATHAOIRLEACH: Is everyone in agreement now with this? Proposer and seconder?  
24 Vincent Blake.

25 Cllr FOX: I'll second it.

26 DIRECTOR O'BRIEN: Cathaoirleach, we come along to your next set of amendments, agreed  
27 at the previous meeting, submissions received and the Chief Executive recommends adoption  
28 with modification. And the first one we have is 15D. 15D refers to...

29 Cllr Tommy CULLEN: What page are we on Chairman?

30 DIRECTOR O'BRIEN: 39. The whole 15 is difficult to - it's 47, yeah. Well we had, we have  
31 had actually a few submissions and we also had from the Minister on page 43, who ... basically,  
32 the Minister basically welcomed the amendment. Or they did recommend expanding it to  
33 prevent other safeguards to protect land and other characteristics. The TIL...

34 Cllr McLOUGHLIN: It's 15E.

1 MS WALSH: The letters refer to the actual...

2 DIRECTOR O'BRIEN: It's confusing Councillor, to be honest.

3 Cllr MITCHELL: Is this the film studios?

4 DIRECTOR O'BRIEN: Yeah.

5 Cllr WINTERS: Killmurray South is A, Killmurray North is B, Rathmore was C and now we  
6 are on D.

7 CATHAOIRLEACH: Page 47.

8 DIRECTOR O'BRIEN: There were different letters Councillor, that's why it's confusing, if I  
9 might say at this stage, I think this whole booklet that's done by the staff in forward planning has  
10 been excellent and crystal clear and this is probably the only thing where there is any bit of  
11 confusion in it. But I think we should - normally it's at the end of the thing we thank the people  
12 who did it, but I think it's been a fantastic document.

13 Cllr WINTERS: Hear, hear.

14 DIRECTOR O'BRIEN: This is the exception that proves the rule. TII, I acknowledged it's been  
15 reduced and they want to reduce it a bit further. And then Ashford film studios came in, they  
16 opposed the revised boundaries because they don't want any zoning around Ballyhenry House.  
17 They also wanted further development for non-film business and they wanted the zoning  
18 boundary to revert to that in the draft plan, which was far more extensive. They also opposed the  
19 revised wording on the grounds that exclusion of spin-offs such as visitor facilities, etcetera,  
20 would be affected. Wicklow County Tourism also put in a submission.

21  
22 So if you go to page 53, to go to the Chief Executive's recommendation -- Chief Executive's  
23 assessment, sorry. Basically on page 51 gives the Chief Executive's assessment of it. Which  
24 basically gives reasons why certainly the zoning, the visitor centres would not be excluded and  
25 nor are any other spin-off or film related activities and we are recommending a slight  
26 modification to the wording that will make this clear. And should lands be needed for non-film  
27 related businesses, there are an awful lot of lands zoned for residential and employment in  
28 Ashford town, which is very, very close by. So what the Chief Executive's recommending then  
29 is the amendments there are in purple, page 54. So basically, the first bit is, "The development  
30 of these lands should be strictly ...(Reading)... including any directly associated spin-offs, such  
31 as visitor facilities. However residential development and other ...(Reading)... not to be  
32 permitted." We just put the change there to emphasise that any direct spin-offs from film will be  
33 allowed.

34

1 The other one was to take into account the Minister's recommendation. So this is basic planning  
2 stuff. "Location, and design ...(Reading)... the greatest extent possible." So the Chief Executive  
3 is recommending the amendment with these changes that were proposed here.

4 CATHAOIRLEACH: Is everyone in agreement?

5 Cllr McLOUGHLIN: Agreed.

6 CATHAOIRLEACH: Proposer or seconder.

7 Cllr McLOUGHLIN: I propose.

8 Cllr FORTUNE: Just clarification, at what stage on the agenda here is my...

9 DIRECTOR O'BRIEN: We are now into the fourth row. Ten. Amendment agreed at previous  
10 meetings.

11 Cllr FORTUNE: I am asking through the Chair at what stage on this agenda here, the list you  
12 are reading from does my suspension come up that I can talk about that project?

13 CATHAOIRLEACH: We will take that at 15E and 15F.

14 Cllr FORTUNE: I just want clarification, thanks very much. That's fine.

15 CATHAOIRLEACH: I need a proposer and seconder. John.

16 Cllr MATTHEWS: This is the Chief Executive's recommendation, page 53 is what we are  
17 voting on.

18 CATHAOIRLEACH: Yeah.

19 DIRECTOR O'BRIEN: There is no vote, we are agreed. The next one is amendment 20 on page  
20 60. Page 60. Again this amendment is - we - this was basically for a town centre vitality and  
21 vibrancy, and the plan already had a controlled number of bookmakers, off licenses, takeaways,  
22 and we added in cash for gold, pound shops and formula businesses, it was pointed out that  
23 formula businesses actually is taking out an entire class of businesses, which can be seen as  
24 anti-competitive. With - we tend to agree with Tesco that is something which probably could  
25 fall in a court challenge. So we are recommending just taking out formula businesses, leave in  
26 cash for gold and pound shops.

27 Cllr MATTHEWS: Should we insert the word "type", "cash for gold and pound type shops."

28 DIRECTOR O'BRIEN: Yep, that sounds like a minor modification.

29 CATHAOIRLEACH: Cllr Behan.

30 Cllr BEHAN: Maybe you could explain to me what's formula businesses?

31 DIRECTOR O'BRIEN: I think it's defined "franchise chain type outlets that have standardised  
32 services ...(Reading)... similarly branded businesses elsewhere". So Costa Coffee, McDonald's,  
33 Zara, H&M, Tesco.

34 Cllr BEHAN: Thank you.

1 CATHAOIRLEACH: Cllr Cullen.

2 Cllr Tommy CULLEN: I'll just read this "cash for gold and pound shops." I don't know about  
3 pound shops. Pound shops are very helpful for a lot of low income families. And you know,  
4 they're usually two euro or a pound and I think it would be unfair to remove...

5 Cllr WINTERS: It's just limiting.

6 Cllr MATTHEWS: It's limiting the numbers.

7 CATHAOIRLEACH: Sorry, would you press your button, you are all right, there is a further  
8 four or five coming in.

9 Cllr Tommy CULLEN: It's one thing about these cash for gold shops and that, but I do think  
10 that shops that would provide reasonable priced food and other household uses, we should be -  
11 we shouldn't make that impossible for people. Because you know, it might be all right for  
12 people here to spend three euro on something when you can buy them for a pound in there, and  
13 maybe people with young children and all, they're very handy for them. They're not setting up in  
14 a vacuum, there is obviously a need for them. I would like not to see being too restrictive. I  
15 think there is room for every kind of business. I just think it's a service that's providing for low  
16 income families Chairman, that's all

17 CATHAOIRLEACH: Councillor Whitmore, you have your light on?

18 Cllr WHITMORE: I have taken it off.

19 DIRECTOR O'BRIEN: I think this was put in by the members in the first place, so it's - this is  
20 to control the number, it was put in by the members, so it's control, not to prohibit. I think if you  
21 have five shops in a row that are pound shops, it can often take away the vibrancy of the Main  
22 Street. But it's up to yourselves.

23 Cllr Tommy CULLEN: Chairman, I take that point.

24 CATHAOIRLEACH: Everyone in agreement, we have a proposer and seconder?

25 MS GALLAGHER: Do we have a proposer and seconder?

26 Cllr SNELL: I'll second it.

27 MS GALLAGHER: Who proposed?

28 MS WALSH: Stephen was it?

29 DIRECTOR O'BRIEN: Next is amendment 29 on page 77 and this is just from the Mining  
30 Heritage Trust asked us to change from brownfield heritage site to historical mine sites. That's  
31 what the modification is. Is that all right?

32 MS GALLAGHER: Proposer and seconder?

33 CATHAOIRLEACH: Proposal and seconder?

34 MS GALLAGHER: Cllr Bourke.

1 DIRECTOR O'BRIEN: The next is 39, on page 93. And this was on foot of a submission from  
2 the TII. Next page. And basically, we have an exception about means of new access on to  
3 national road, so we said "requirements and the only exceptions ...(Reading)... guidelines...", and  
4 they pointed out that actually wasn't intended for that type of use, so we are just taking it out. Is  
5 that agreed?

6 MS GALLAGHER: Proposer and seconder please?

7 CATHAOIRLEACH: Proposer and seconder?

8 Cllr MATTHEWS: I propose.

9 Cllr VANCE: I'll second.

10 CATHAOIRLEACH: Agreed?

11 DIRECTOR O'BRIEN: Next one...

12 CATHAOIRLEACH: On the last one Gerry.

13 Cllr O'BRIEN: The upgrade of the N81, there is a 300 metre strip there is frozen between  
14 Tallaght and Hollywood for the new N81, but I have been arguing there with the roads authority  
15 that there should be a strip of land there put to one side for the provision of maybe a Luas or  
16 light rail system to Blessington, which we did have in the past, and it was pointed out to me that  
17 it would be something that would be discussed at that stage. But it's just to note it that it's a bit  
18 crazy to be building a roadway and not allowing, not buying up an extra few yards for down the  
19 road type of Luas or light rail to the town.

20 CATHAOIRLEACH: Cllr Cullen.

21 Cllr Tommy CULLEN: Chairman, with regards to the N81, I think we need to make provision  
22 for park and ride facilities along the N81 as soon as possible, because we have a huge amount of  
23 people now parking and riding along the N81. And I think we do urgently need a facility  
24 somewhere around Hollywood for -- a park and ride facility for workers who are meeting up and  
25 travelling on to Dublin, sharing cars, which is a Government policy to cut down on carbon  
26 emissions. So apart from that, perhaps we would look at that in the future of the provision of  
27 some park and ride facilities for workers using the N81 in the morning, somewhere to park their  
28 cars safely and securely Chairman, thank you.

29 CATHAOIRLEACH: Cllr Bourke.

30 Cllr BOURKE: Just a quick point of clarification Cathaoirleach, could this affect the possibility  
31 of say if the Council wanted to put an access road on to the M11 from Arklow, say a third access  
32 that's been talked about, will this have any negative affect on any proposals for greater  
33 connectivity for Arklow Town with the M11 if we can get support for a new connection on to  
34 the motorway?

1 DIRECTOR O'BRIEN: I think if you are getting a new access on to a - that's going to be carried  
2 out by the TII themselves in any case. I don't think this will really have any affect. Anyway,  
3 that's a special objective in the plan to have that junction.

4 Cllr BOURKE: Okay.

5 DIRECTOR O'BRIEN: You know, that's a specific - in fact it's in the County Plan as well. So  
6 40, this is to do with roadside signage, and the NRA wanted us to take out "will" and put in  
7 "may." Instead of "will be facilitated", "may be facilitated."

8 CATHAOIRLEACH: Cllr Behan.

9 Cllr BEHAN: I don't want to delay the meeting, but as we know tourism is such an important  
10 industry for us in the county and I don't like the thoughts that the NRA or the NTA are going to  
11 be holding a whip hand on every single aspect of this hand and having it as a stronger statement  
12 that in fact we will consider, it's not saying we are going to grant every application, but we will  
13 consider it is a stronger statement than we may consider it. I know it's only a minor  
14 modification, but it's minor enough at the same time that it has to be mentioned and I would  
15 prefer to see the word "will" left in there rather than "may".

16 DIRECTOR O'BRIEN: That's a matter for the members.

17 CATHAOIRLEACH: There is just a few more.

18 Cllr Shay CULLEN: I would like to agree with Cllr Behan, I mean tourism is one of the most  
19 important areas for this county and anything that can help with regards to signage and promotion  
20 of our tourism attractions across the county I think has to be welcomed, but I would be nervous  
21 of the NRA being involved in this, and I think it's important that we promote not alone our  
22 county, but we have to promote the attractions that we have from a signage point of view.

23  
24 We have had too many occasions where tourists come into this county and there is not clear  
25 indications of where they can find the best attractions. So it's important, whilst I would welcome  
26 it, I would be concerned about the NRA's involvement. Thank you.

27 CATHAOIRLEACH: Cllr Fortune.

28 Cllr FORTUNE: Thanks Cathaoirleach, I would totally agree with Cllr Behan, I think that we  
29 are, that "may" word is a funny word, it's an indicative word usually meaning that it's a word to  
30 stop things happening, so I think "will" should be in there, I think that's very, very important.

31 CATHAOIRLEACH: Cllr Winters.

32 Cllr WINTERS: I would agree as well. In the - well, the seven years that I have been a County  
33 Councillor, every approach that we have made to the NRA to improve signage on the road  
34 they've turned down, so if the NRA are the people who are saying the word "may" should be

1 there, then we definitely should be going with the word "will." Thanks.

2 DIRECTOR O'BRIEN: Well it's a matter for the members.

3 CATHAOIRLEACH: If the members want that...

4 Cllr BEHAN: I propose.

5 CATHAOIRLEACH: Are the members in agreement?

6 DIRECTOR O'BRIEN: So we know, it's basically to accept the amendment without the  
7 modification?

8 Cllr SNELL: Sorry Cathaoirleach. A point of clarification on that, it says that "signage for  
9 Fáilte Ireland approved tourism accommodation will be facilitated at the ends of the  
10 motorway/dual carriageway off-slips only where they meet the intersecting road." So you  
11 actually have to turn off the main M or N11 before you would see the signage, is that what we  
12 are saying?

13 DIRECTOR O'BRIEN: Yep.

14 Cllr SNELL: So therefore people travelling north from north Wicklow to south Wicklow unless  
15 they actually take the intersection off for example to see Wicklow Gaol or the Black Castle or  
16 Killmacurragh would actually have to take the slip road off before they'd see the signage  
17 advertising?

18 DIRECTOR O'BRIEN: Correct yeah.

19 Cllr SNELL: Then it's not much use for tourism, people would have to know they're going to  
20 them places to actually take - yet in other counties Cathaoirleach, we see signage quite  
21 prominent advertising tourism projects and the like. So I am just looking for clarification on  
22 that.

23 CATHAOIRLEACH: I'll let Cllr Walsh in.

24 Cllr WALSH: On that point, I think any such signage be placed at the approaches to the  
25 intersection. You have to know where to get off the motorway to access the site.

26 CATHAOIRLEACH: Councillor Gerry O'Neill.

27 Cllr O'NEILL: On the N81 there, four accommodation signs proposed, along the N81, there is  
28 plenty of little businesses, and the odd pub, sadly we don't have post offices or anything like that  
29 nowadays out there. I think it's a crying shame that small businesses can't advertise their wares.  
30 I know people who, they go way out of their way in looking for a location of a small business or  
31 whatever, where there is no directions as such. I know we have the Google Maps, but that's not  
32 the thing. So I wouldn't really be happy with confining the signage just to accommodation signs,  
33 four per pole. Along the N81, there would be very few accommodations four on the one pole  
34 going in any direction, but I don't think it should be just for accommodation because there are



1 smaller businesses and whatever. Or maybe that's not the intention, I don't know.

2 CATHAOIRLEACH: Cllr Matthews.

3 Cllr MATTHEWS: Chairman, we agreed this already, the only thing we are going to vote on  
4 here now is change may or will. You can't go changing our policy on road side signage now at  
5 this stage.

6 Cllr O'NEILL: We have been trying on other issues all day.

7 Cllr MATTHEWS: We have to pass what we voted on already. There is a minor change to it  
8 already, we have to consider whether we accept the minor change or not. You can't be putting  
9 sign posts all over the county, they look terrible.

10 DIRECTOR O'BRIEN: Cllr Snell, I probably misled you there, I was thinking of small  
11 developments, but if you look at there on page 96, it says "in particular white on brown signs on  
12 the main line will be considered four", and there is a list of the major tourist facilities panels,  
13 eligible championship golf courses, county boundary signs, principle river and scenic routes  
14 heritage drives. Obviously that wouldn't get a B&B or a hotel. That's what I thought you were  
15 asking me. The big tourism things can be on the main line which they are at the moment. But if  
16 you have a hotel, you can't do that. In fact the policy we used to have and it was overridden  
17 by -- the NRA got in a sign which was basically implemented with a ministerial directive, which  
18 those of you who dealt with planning at the time, we were very upset about it because we  
19 thought it really inhibited the county and we did our best to try and change it, but that's the  
20 problem there. We used to, in our own policy, we used to allow three star hotels with a sign on  
21 the main road. But basically, this is what is in the NRA's policy, which we have to follow. But  
22 whether it's will or may I don't think is that material myself. So we have already passed that  
23 have we?

24 MS GALLAGHER: It's proposed and seconded, proposed by Cllr Behan, seconded by Cllr  
25 Vance. So is it agreed?

26 DIRECTOR O'BRIEN: Next one is amendment 57, which deals with public rights of ways. It's  
27 on page 118. And there is quite a large report here which Tim Walsh provided. It was very,  
28 very comprehensive. But we put in a fair few amendments and I think our policy on rights of  
29 ways in this Council for the last ten years has been everything is done by agreement, and we  
30 don't really want to force any issues with people. Some of the things that we did amendments on  
31 were for Irish Rail. And for a couple of landowners who were concerned about their right of  
32 ways on their land being put into the Development Plan. So there is various ones, modifications  
33 which you can see in purple. Some are for the walks in Wicklow Town. Which are one to four.  
34 Five is the Cliff Walk and I think we are just putting a junction at Beach Road and Victoria

1 Road, rather than just saying Beach Road. On the one right of way six, we are saying "to the  
2 beach at Newcastle" and this is because Irish Rail were concerned about directing more people  
3 across their lines, so the definition of a right of way is really going from one point to either  
4 another public road or to a beauty spot, and -- or amenity spot and the beach at Newcastle would  
5 fit that bill.

6  
7 So they're all the modifications to what you proposed be put on display at the last meeting.

8 CATHAOIRLEACH: Any issues there? Anyone agree to propose and second. Sorry  
9 Christopher, yeah.

10 Cllr FOX: First of all, can I acknowledge the amount of work that Tim Walsh did put into this.  
11 It might look like a small category, but there was a huge amount of work did go into this, and  
12 you are getting into a lot of legal type of issues when you deal with rights of way. As I have said  
13 at a previous meeting, I do feel we are getting the whole area of the creation of walks and the  
14 improvement of walks, we are getting it back to front. And I think this sort of highlights it.  
15 Some stakeholders and some landowners have made submissions where the fundamental  
16 principle of establishing walks and getting walks up and in place is that you consult and get  
17 agreement from landowners and stakeholders. And it's quite obvious that there has been little or  
18 no consultation with some of the stakeholders involved. And we are about to put a line on a map  
19 which I think is a bad starting point for creating walks. I have a bit of experience in creating  
20 walks and getting walks up and running in the North of the county. And a starting point is  
21 always getting agreement from the stakeholders. Otherwise it ultimately is unsuccessful and it's  
22 only a paper exercise. And if we take the Dunbur walk as an example, it's a beautiful walk, I  
23 think a lot of people would love to have a walk established along the coast. But on the map, it's  
24 a loop which on the ground doesn't really exist. And it seems to exit at a point which is  
25 dangerous and to an adjoining property I am only using that as an example. I firmly believe this  
26 is not the best way to proceed. Now I understand it is a directive, a ministerial directive, and we  
27 are compelled now to start listing public rights of way, and the staff have done their best to put  
28 in uncontentious rights of way. But I have no doubt this list will be added to in the future over  
29 the coming years. But I think it is a bad, it's a bad way it proceed to get walks created and up  
30 and running. And I stand by that. So on that principle, I am not supporting putting public rights  
31 of way in the plan. Thank you Chairman.

32 CATHAOIRLEACH: Cllr Behan.

33 Cllr BEHAN: Well Chairman, a lot of what Cllr Fox has said I would agree with. And I  
34 remember about two Councils ago, Cllr Vance as Chairman of the planning SPC took on what

1 was I suppose a ground breaking project which was to begin the process of establishing  
2 agreement on public rights of way. I think there was a lot of success in that particular committee  
3 and under Cllr Vance's leadership. And the key to it really was that it wasn't going to be a  
4 confrontational situation. Cllr Vance might want to say a bit more about it, but the whole idea  
5 was to try and achieve consensus and agreement. In order to ensure that the public have more  
6 options to walk, which is something we all want to support; but that landowners who have  
7 genuine, genuine concerns about - particularly personal injuries on their property, or perhaps in  
8 some cases with some irresponsible people, damage to their property, that they had genuine  
9 worries, and the approach of trying to achieve consensus, I certainly felt was always the right  
10 one.

11  
12 Now I am not necessarily saying that I am totally in agreement with what Cllr Fox has said in  
13 terms of not supporting what's put in there today, because what's put in is effectively on land  
14 that's not privately owned. But there is a logic to what he's saying as well, which is that there is  
15 a line on a map that doesn't necessarily make a huge amount of sense on the ground and will  
16 inevitably I think lead to a clash at some stage and maybe in the not too distant future between  
17 the rights of walkers and the rights of landowners. And I think we need to proceed very, very  
18 carefully with this. Because if we have a confrontational situation, we will end up undoing the  
19 good work that has been done in the past on this issue. So in agreeing with Cllr Fox, I would say  
20 that I do think we need to ensure that whatever happens that there is proper effective, and full  
21 consultation with any landowner who might be affected by any of those proposals. Because in  
22 fact if we had proper consultation, there is probably a strong chance that we would end up with a  
23 better facility, a better walk and one that would be safer and more enjoyable for everybody to  
24 take part in. Thank you Cathaoirleach

25 CATHAOIRLEACH: Cllr Snell.

26 Cllr SNELL: Thanks Cathaoirleach. Just looking at public rights of way 3, just to make an  
27 observation in regards to the actual townland of that, it's in the Rathnew area, and it's Kirvan  
28 Hill, I see that we are removing all references to Rathnew at all there. And I would just be  
29 conscious that Rathnew has its own identity and I don't want it consumed into the Wicklow  
30 Town environs in any shape or form. To elaborate a little bit on public rights of way too, on the  
31 council's own land in regards to Lime Kiln bay, out towards Brides Head, now we did at our  
32 Municipal District, we did hold a meeting and we were given a presentation by people who  
33 frequent that walk quite regularly and like previous speakers, I would have concerns in regards  
34 to and I have aired them to the officials at that meeting, and just to reiterate that I was given

1 assurances that an opening in the fence there which leads on to land which is not Council owned  
2 would be closed up and if I could go as far to say that perhaps on these rights of way, there  
3 should be signage, clear maps identifying what is within the realms of people who want to  
4 frequent and walk public rights of way and when they step outside the boundary that they are  
5 aware that they are on publicly - or privately owned land.

6  
7 We have a situation where someone has took a High Court action for falling on land owned  
8 belonging to the State, to the Local Authority, and I just don't want a situation developing where  
9 landowners now feel vulnerable. I have no issue in regards to the walkway, I think it's all  
10 walkways are to be welcomed, providing they have the consent of everybody and certainly if you  
11 are going, or bringing people up to the boundary of privately owned land, it's - while you cannot  
12 be held responsible for them people when they go in on to privately owned land, you certainly  
13 shouldn't be opening up fencing or putting signage indicating that that's actually quite all right to  
14 do. Thanks Cathaoirleach.

15 CATHAOIRLEACH: Cllr Vance.

16 Cllr VANCE: Thank you Chairman. Like previous speakers have said, a number of years ago a  
17 group was set up, a subcommittee on this Council in regard to this. And really it is a minefield,  
18 this in regard to rights of way, and what people feel are their rights, and what landowners feel are  
19 their rights as well. And certainly from that committee, the most important things in that  
20 committee that came about were co-operation and communication. Communication with the  
21 landowners, and co-operation of the landowners. You cannot get all these rights of way and  
22 various walks without the landowners' agreement. We found on that that where you approach  
23 landowners in a proper manner and sit down and have a discussion with them, you could have --  
24 you did get an awful lot of co-operation and there was a fair amount of success in this. Whereas  
25 other local authorities have gone in with the big stick and tried to force people into giving right  
26 of ways and stuff like that and I can tell you they're still in the High Court paying serious money  
27 to barristers throughout the country and we felt the quickest way of getting - and the best way of  
28 getting it was sit down to people, talk to people, the landowners. They had concerns as well.  
29 We had landowners that people were walking by their kitchens of a Sunday when they were  
30 having lunch looking in at them. We had people who thought they had the right to walk on  
31 anyone's, any piece of land that they had a right of way over that. And we discuss all these  
32 things in regard to this. But I believe the proper way to go about it is it has to be done slowly  
33 and it has to be done meticulously and to be fair in lots of ones that have come on, they've been  
34 the easy ones in a sense where you have had rights of way and you have had co-operation of the

1 landowners and that. An awful lot needs to be done on this, but I think caution is the most  
2 important thing, like what Cllr Behan and Cllr Fox have said, in regards to this. And certainly  
3 the attitude of the people who are getting involved in this now is the most important, because  
4 there is co-operation out there and there is the insurance problem as well. I think a number of  
5 years ago, and still it's come to the fore lately, where somebody slipped on a sleeper or  
6 something like that up the Wicklow Way and they sued the authorities in regard to that and  
7 really and truly that's a worry that all landowners have as well. So I agree with this, but I agree  
8 we should proceed with caution and certainly slowly would be better than going in with a big  
9 stick and certainly communication and co-operation are the key areas as far as I am concerned at  
10 this.

11 CATHAOIRLEACH: Thank you Cllr Kavanagh.

12 Cllr KAVANAGH: My big concern in connection with Public Right of Way number two is that  
13 the public would lose the right to walk on land, Council owned land, that they have been walking  
14 and their forefathers have walked for generations. This particular walk has been designed to end  
15 in a loop. It never leaves Council land it turns around at the end, and comes right back  
16 encouraging people to actually never walk off that path. This is the right of way that's in this  
17 Development Plan, nothing else, as regards number two there. Yes, if there is a gap in a fence  
18 that might lead people to think that they can cross on to private land, that should certainly be  
19 addressed. But to think that this wouldn't be passionate and that - passed and that a right of way  
20 that people have been literally walking for generations, it's just inconceivable. So I think that if  
21 it was crossing lands owned by farmers or landowners, or if it was a new walk that was being set  
22 up, yes I would certainly have reservations but not an existing walkway. And Friends of the  
23 Murrough have gone to great lengths to ensure that it is kept, this particular walk, is kept on  
24 Council land. Thank you.

25 CATHAOIRLEACH: Councillor Gail

26 Cllr DUNNE: I don't know if you can hear me. Yeah, the walk in question in Dunbur, I think  
27 we are asking a lot that people are going to walk up and turn in a loop and come back down. We  
28 are bringing people up to private land, and traditionally, they've kept on walking. I am just  
29 hoping that if this is adopted by the Council that people do hear that it is a loop walk, that the  
30 landowner has rights up there, and that we look after him. It's very important that we realise that  
31 it's his - it is private land in that direction. I hope that people adhere to the plan. Thank you.

32 CATHAOIRLEACH: Cllr Mitchell.

33 Cllr MITCHELL: Thank you Cathaoirleach. I would be very keen on the public rights of way  
34 in the Development Plan, and I concede there are some issues about landowners who have

1 written in in relation to these items here. So - and as far as I can see after some significant work  
2 and research, it seems that the Council staff have deleted the bits which are contentious with  
3 those submissions, and I believe that the changes subsequent to that should go through and be  
4 put in the County Development Plan. And that work should continue on making more routes  
5 with the co-operation of the landowners. But at least have this in the plan. Thank you.

6 CATHAOIRLEACH: Cllr Winters.

7 Cllr WINTERS: Thanks Cathaoirleach. In particular the one that's in Wicklow, the loop walk,  
8 it's not going over private land. And we are here to vote on what's in the amendment, and in the  
9 County Development Plan. It is a beautiful walk for anybody who has been up there and has  
10 walked out over it. And it ends on the road that goes out to the lighthouse. Now it's far more  
11 scenic to walk back in on the top half of the loop than it is to walk towards land on the  
12 lighthouse road, but if people want to walk on that, they can, I mean that's a roadway that people  
13 have been walking literally since the lighthouse - the first of the three lighthouses up there were  
14 built and probably before that. But what's in front of us today is a proposal to put a marked walk  
15 on publicly owned lands, and I think we should be doing it. Thank you.

16 CATHAOIRLEACH: Councillor Shay Cullen.

17 Cllr Shay CULLEN: Thanks Chairman, I'll be brief enough. I suppose the walk in question that  
18 is creating most of the discussion today is obviously the one from Dunbur lower to Dunbur head.  
19 And I certainly would have concerns overland access. I can appreciate that at the moment this  
20 walk goes out across the Wicklow head, and effectively comes back in on the lighthouse road to  
21 Wicklow. But the loop is probably the best option that could be achieved here, where you would  
22 effectively stop people from walking out on the lighthouse road, and send them back on the  
23 higher gradient to Wicklow. But in saying that, I think it's imperative that we would certainly  
24 have signage and possibly fencing up to stop people maybe going out on private property.  
25 Because I do have issues with the vulnerability of landowners in these situations, where people  
26 effectively walk on to private property, and there is issues over insurance, and we all know of the  
27 cases that are in the media at the moment, where people are suing the State and so on for  
28 damages. So landowners are vulnerable, and their concerns certainly need to be taken into  
29 consideration. I suppose on this occasion, we can only vote on what's in front of us, and what  
30 the proposal is that this is a loop walk from Wicklow head back around to the same area that you  
31 start from. So effectively that's where we are, but I would reiterate the concerns I would have  
32 for landowners not only on this walk but walks in general across the county. Thank you

33 CATHAOIRLEACH: Cllr Behan.

34 Cllr BEHAN: Chairman, just a quick point, I am very cognisant of what the local members have

1 said about this and I certainly would have no intention of voting against including the walk, I  
2 made that clear at the start. I think it also would be important that maybe the members of the  
3 Municipal District of Wicklow would agree here today as well to enter into a fairly immediate  
4 cons station with any landowner that might be affected by this decision to ensure that we resolve  
5 whatever difficulties might arise in the future, and if they would be willing to do that, I think  
6 that's something that we could ask them to do Cathaoirleach

7 CATHAOIRLEACH: Just looking at it there, blue is already in the plan. The red is what was  
8 agreed the last day and the purple is the modifications, so there is three different colours there.  
9 The blue is already in the plan. Red was agreed the last day. And the purple -- sorry by the  
10 members, and the purple are the modifications. So the question is obviously there is different  
11 opinions here, we have to take a vote

12 DIRECTOR O'BRIEN: Do you want to take them one by one.

13 CATHAOIRLEACH: Maybe --

14 DIRECTOR O'BRIEN: There is nine there all together.

15 CATHAOIRLEACH: The Director is saying we take them one by one there. Okay.

16 DIRECTOR O'BRIEN: The first one, "the Murrough Wicklow Town, coastal walkway from the  
17 public car park ...(Reading)... Tinakilly, Murrough."

18 CATHAOIRLEACH: Proposer and seconder.

19 Cllr SNELL: Proposed.

20 DIRECTOR O'BRIEN: Agreed.

21 Cllr VANCE: Could I just ask, I am prepared to vote for the second one, but I want certainly  
22 want agreement from the officials that the person who is at the top of the loop, protection will be  
23 provided so that people don't go on to his land. Can we have that? I just want the private land  
24 that that's at the top of the loop that we are talking about, that that is fenced off in co-operation  
25 with the landowner in regard to that. I think it's reasonable to ask that, because there seems to be  
26 a problem up there.

27 DIRECTOR O'BRIEN: The difficulty with fencing Cathaoirleach, is if you put a fence up, are  
28 we then bound to keep this repaired forever? Normally in land it's up to landowners to fence  
29 their own land. We are not directing anyone there, we are quite happy to put a sign up.

30 Cllr VANCE: Sorry Chairman, this came back to what I was talking about earlier on where  
31 when we had discussions years ago with landowners, there was co-operation from the Council  
32 and the landowners with regards to fencing off and guiding people where they wanted to go on  
33 their particular land as well. Whereas I think we have a responsibility if we are going to provide  
34 these walks, I think we have a responsibility to landowners to protect their particular part of the

1 land. I mean I think that's reasonable to expect. I mean I want to vote for this, but I also want to  
2 make sure that the landowner is protected as well in regard to this. I think that's reasonable to ask  
3 that

4 CATHAOIRLEACH: Cllr Snell.

5 Cllr SNELL: Thanks Cathaoirleach. Those assurances were sought at the Municipal District  
6 meeting, our most recent one, in regards to it was Wicklow County Council who opened the  
7 fence Cathaoirleach, who put up signage pointing people in the direction of Brides Head. All we  
8 were looking for was the fence to be re-established. The opening not encouraging people out on  
9 to privately owned land. And the lighthouse road is also a contentious issue. One that's not in  
10 front of us today. I assume some day, someone will challenge it and they'll end up in the court,  
11 the whole lot of them. But what's in front of us today is Public Right of Way. I think most  
12 members here want to support a Public Right of Way. But it's the assurances as previous  
13 speakers have said to safeguard the private landowners and in this case Wicklow County Council  
14 opened the fence. All we are asking is to close up the fence. I was given those assurances at the  
15 last Municipal District meeting and I would hope that that would follow through and it would  
16 make it so much easier for the members here today to support what's in front of us.

17 DIRECTOR O'BRIEN: The Municipal District are quite happy to close up the fence, certainly I  
18 am not going to demure on T I didn't realise the Council had opened up the fence or put a sign  
19 up. We can put a sign showing, you know, no right of way on or whatever, that's not a problem.  
20 It's just the continual responsibility of having to have a fence there and then downstream any  
21 liability if somebody goes through it, I don't think that is a liability we want to wish upon the  
22 corporation.

23 Cllr SNELL: I accept that Director. But unfortunately it's scant consolation to the neighbouring  
24 landowners. That's why I feel that if we fenced it up, you will have given the commitments and  
25 followed through on them that was sought and therefore if some member of the public breaks  
26 down fencing, well obviously I or you or anyone in this chambers can't be held responsible for  
27 that. If people break the law, that's entirely up to them. But I do believe that it would be helpful  
28 if that fence was blocked up as we speak.

29 DIRECTOR O'BRIEN: If the Municipal District have said they'll do it, I'll get on to them about  
30 it again.

31 Cllr SNELL: Thank you.

32 CATHAOIRLEACH: Cllr Winters.

33 Cllr WINTERS: My recollection of the Municipal District meeting is different. I don't  
34 remember saying that we would block up that fence, but I am open to correction, we will check



1 the minutes when they come out.

2 Cllr SNELL: Again that Municipal District meeting, there was members going in and out of the  
3 chambers. I sought those assurances from Director Michael Nicholson, and I was assured that  
4 that would happen. Thanks Cathaoirleach.

5 Cllr VANCE: Chairman, could I just say let the officials, or the officials whose in charge of this  
6 sit down with the landowner, sit down with the landowner and get an agreement on what they  
7 need to do about that fence. That's all it is. It's not rocket science. Just that's what I am saying  
8 about a bit of communication and co-operation with the landowner there, sit down and agree a  
9 fence there. Or to re-instate the fence that was there in co-operation with the landowner.

10 CATHAOIRLEACH: We have the Chief Executive's recommendation, but there seems to be a  
11 lot of let's say dissatisfaction. Would it be possible to go back to the Municipal District with  
12 this?

13 Cllr WINTERS: No, it's either today or not.

14 Cllr SNELL: Chairman, we can take a vote on it. The assurances have been sought and they've  
15 been given

16 DIRECTOR O'BRIEN: Cathaoirleach, if you reject this now in the amendment, you are still left  
17 with what was in the Wicklow Town boundary along the coast line to Brides Head.

18 CATHAOIRLEACH: We will go ahead with a vote then.

19 Cllr MATTHEWS: Is this not a significant change. Is it significant to vote and not accept this?

20 Cllr Shay CULLEN: Is there assurances from the directors that they'll liaise with the landowner  
21 or have we agreed that a fence is to be erected there. I would like a little clarification on this  
22 please. Thank you.

23 CATHAOIRLEACH: That's a matter for the Municipal District I would imagine.

24 DIRECTOR O'BRIEN: I have said already if the Municipal District have said they'll do it, I'll  
25 make sure they do it.

26 Cllr VANCE: It's going through this Council here today so it's our responsibility and I can tell  
27 you with what's happening later on today, what we are talking about, the amount of money that  
28 would be involved in this is miniscule compared to what's coming down the road this afternoon  
29 in this Council. And I can tell you the least anyone can expect is that if there was a fence  
30 removed by the Council that it was put back in again. It's put back in again. And certainly if we  
31 can't get agreement from the top table on this, God forgive us, you know, we can't - this is very  
32 little compared - and it cements the walk forever more. I'll vote against this if we don't get some  
33 - all I am saying is that sit down with the landowner and work out an agreement in regard to  
34 re-instatement of the fence. It's that simple. We are not talking about huge amount of money

1 here.

2 Cllr KAVANAGH: Can I just clarify --

3 Cllr DUNNE: My light is on.

4 Cllr KAVANAGH: What Director O'Brien said, if it isn't passed it reverts to what?

5 DIRECTOR O'BRIEN: The text that was in the former town plan, "From Wicklow Town  
6 boundary ...(Reading)... Kiln Bay".

7 Cllr KAVANAGH: It just reverts to that.

8 CATHAOIRLEACH: Councillor Dunne.

9 Cllr DORAN: One question is it a Public Right of Way or is it not? Like we are talking about  
10 taking down fences and going on to privately owned land. I'll guarantee you there is no-one  
11 would come on to my private land if it's not - if it's not already a Public Right of Way. If it's a  
12 Public Right of Way, end of story.

13 DIRECTOR O'BRIEN: This is a public land, but there is a private landowner adjacent to it and  
14 people are walking from the public land on to his land.

15 Cllr DORAN: A minute ago, they were talking about a farmer owning the land.

16 DIRECTOR O'BRIEN: No, this is public land.

17 CATHAOIRLEACH: Councillor Gail Dunne please.

18 Cllr DUNNE: I am sure the landowner would love to sit down with the Council officials and  
19 talk this out, I have absolutely no doubts about that.

20 DIRECTOR O'BRIEN: We will talk to anyone.

21 Cllr DUNNE: I think that's the way out of it Des.

22 CATHAOIRLEACH: Cllr Fox.

23 Cllr FOX: Chairman, I think we are getting sidetracked a little bit. We don't decide on what is  
24 public rights of way and what's not. This doesn't affect the walk. This is a matter of whether we  
25 listing rights of way in the Development Plan or not. If we do list them in the Development  
26 Plan, we are showing a commitment to those walks in some shape or fashion. So it's not a case  
27 that we just list them and then wash our hands of them. It's quite clear there are issues with some  
28 of the walks. If we list these, we are showing a commitment to some form of upgrading, or  
29 addressing problems that exist along these walkways.

30 DIRECTOR O'BRIEN: Look, it's not my - I am in planning, I am not in the Municipal District.  
31 If they've taken the fence down, I imagine they have to put it back up again. I am not in  
32 possession of the facts and I can't make commitments for something that's outside my boundary.  
33 I can't see if that's the case why they can't put the fence back up again. We have gone to the  
34 bother of doing a loop walk there where we will have to spend a few bob to do that to stop the

1 trespass on to the adjoining lands, if that is the case. That's what we proposed, so I would have  
2 thought that the goodwill is there. I am just not in full possession of the facts. I don't want to  
3 make commitments on something I don't know about. Certainly I agree with you in principle.

4 CATHAOIRLEACH: Cllr Whitmore.

5 Cllr WHITMORE: In order to move on with this, can we get Joe here to make that commitment.  
6 It seems people from the Wicklow district need that commitment to be made and if he is the only  
7 one who can give it, can we ask Joe to come down and maybe address this in ten or 15 minutes  
8 and get Joe to make a commitment.

9 CE: You have all the members of the Municipal District here, the matter was discussed at a  
10 Municipal District meeting, why it's back on the agenda here, I can't understand. What was the  
11 undertaking given by the Chief Executive, the Municipal District engineer at the meeting?

12 Perhaps the Chairman of the Municipal District --

13 Cllr SNELL: Thanks Chief Executive. We are talking about a two foot gap in a thens that's  
14 been up there for I would imagine for the last 80 years. It's a two foot gap in the fence. A  
15 commitment has been given to block the two foot gap. That's as simple as it is.

16 DIRECTOR O'BRIEN: It shouldn't be a problem then.

17 CATHAOIRLEACH: Are you happy with that commitment.

18 Cllr SNELL: I am happy with what I was told, yes.

19 CATHAOIRLEACH: I don't know, we spent a lot of time talking about it anyway. We have the  
20 recommendation in front of us here from the Director. We have a choice, we have to make some  
21 decision.

22 Cllr WINTERS: I propose.

23 MS GALLAGHER: Seconded? Cllr Kavanagh. Agreed?

24 Cllr FOX: I reiterate my objection.

25 CATHAOIRLEACH: 72 Des.

26 DIRECTOR O'BRIEN: Number three, Broomhall, Wicklow Town.

27 DIRECTOR O'BRIEN: Did Cllr Snell want to amend the townland names there?

28 Cllr SNELL: No Director, I was only making the point that it's a bit late in the day now for that.

29 DIRECTOR O'BRIEN: I can put in brackets "after Burkeen, Rathnew", if you like.

30 Cllr SNELL: I would appreciate that.

31 CATHAOIRLEACH: Proposer and seconder please.

32 Cllr Tommy CULLEN: What's that for Chairman?

33 DIRECTOR O'BRIEN: Number three. Broomhall, Wicklow Town.

34 MS GALLAGHER: Seconded. Thank you. Councillor Shay Cullen.

- 1 DIRECTOR O'BRIEN: And number four, corporation lands at Dunbur lower, Wicklow Town.
- 2 Cllr WINTERS: Proposed.
- 3 MS GALLAGHER: Seconded by Councillor Dunne.
- 4 DIRECTOR O'BRIEN: Number five, the break from Beach Road Greystones to what really
- 5 would be the site of Rathdown Castle.
- 6 Cllr MITCHELL: I propose that.
- 7 Cllr McLOUGHLIN: I second it.
- 8 DIRECTOR O'BRIEN: Number six which is from the former right of way number one
- 9 continuing on up to Newcastle beach.
- 10 Cllr WINTERS: I propose.
- 11 MS GALLAGHER: Seconded by Cllr Snell.
- 12 DIRECTOR O'BRIEN: And then we were deleting proposal number 7 and number 8. Take the
- 13 two votes together.
- 14 MS GALLAGHER: Seconded?
- 15 Cllr SNELL: Yeah
- 16 DIRECTOR O'BRIEN: Cllr Snell. And former number nine, new number seven, Sally walk,
- 17 Kilcoole.
- 18 MS GALLAGHER: Proposed Cllr Fortune, seconded by Cllr Whitmore.
- 19 DIRECTOR O'BRIEN: The next one is 67, page 148, sorry, 146. This is in Ashford, it's just
- 20 changing the boundaries in an Action Area Plan
- 21 CATHAOIRLEACH: Councillor Shay Cullen there please.
- 22 Cllr Shay CULLEN: I'll go along with the Chief Executive's modification on this if other
- 23 members are happy with that and I am willing to propose it.
- 24 Cllr SNELL: I'll second that.
- 25 MS GALLAGHER: Agreed?
- 26 DIRECTOR O'BRIEN: 72 on page 154. And this was the land around The Abbey in
- 27 Baltinglass, and the schools and community buildings there were concerned about the
- 28 designation, so the Chief Executive has put a small modification "to provide for civic and
- 29 community use and ...(Reading)... heritage of the site."
- 30 CATHAOIRLEACH: Cllr Ruttle.
- 31 Cllr RUTTLE: Thanks Cathaoirleach, as the members can see there, there was a submission
- 32 from Pauline Laurence of the Ballynure Baltinglass vestry regarding the concerns of the parish
- 33 over this. The parish and the previous parishioners have been the custodians of the land and the
- 34 church indeed for hundreds of years and the immediate Abbey is beyond them, it's under the

1 control of the OPW and is a protected structure in any case. However they feel, and the  
2 members can see from their submission, that they can be interfered with because it's not - to  
3 them it's not - it's a living breathing parish which composes of a church yard, a church, a rectory  
4 and a school to the other side of it that any further zoning of this nature could impact on plans  
5 they have, and they have indeed got plans for the future development in that area. The  
6 amendment states "the Council will seek to resist ...(Reading)... improvements and building etc.  
7 in that area", obviously they're very concerned, and I am not so sure that the insertion would  
8 fully protect them in that regard and it's a matter of concern to the select vestries of Ballynure  
9 and Baltinglass as well.

10 CATHAOIRLEACH: Cllr Cullen.

11 Cllr Tommy CULLEN: Chairman, I think I can understand and appreciate what Cllr Ruttle has  
12 said, and this has to be taken into a context. There has been a church on this site since the 6th  
13 century and then when the Cistercians arrived, they then built an Abbey and an infrastructure  
14 surrounding that Abbey which would be approximately ten times the size of Glendalough.  
15 Glendalough has about five or 600 acres of a context. This area has an area, probably about five  
16 acres, six acres by context, that's left. There has been substantial earth works carried out in the  
17 recent past that has caused a look at the actual protection of the site. And currently there was no  
18 heritage protection of the site. Yet it is one of the most important national Cistercian sites in  
19 France, England and Ireland, and has many tourists, the biggest tourist attraction in the area. But  
20 at the moment, there is absolutely zero protection for this site. And I believe that it's reasonable  
21 that some form of protection is given to the site.

22  
23 As I said, the Cistercian Abbey that was built there created the sheep farming in Wicklow.  
24 Because the Cistercians were the great sheep farmers, they brought in the woolen mills, they  
25 brought in the corn mills. This abbey was actually the foundation and the sub abbey in  
26 Castledermot, of the entire agriculture of Wicklow, Kildare and Carlow. So the historic context  
27 of this abbey has been underestimated for many years.

28  
29 Chairman, I note that the executive have put in to provide for civic and community protection in  
30 their amendment. I would support that. I think that's a reasonable proposal. But I would ask  
31 people if you are going to remove this protection, what are you going to put in its place? And I  
32 would like to hear that. But we can't - given that substantial earth works have taken place  
33 adjacent to this field in the last year, I am concerned for the protection of this vital heritage of  
34 County Wicklow. It is over 1,000 years - well it was built in 1157, but there was a church there

1 on the area for at least another 3 or 400 years earlier. It's a critical part of the heritage of the  
2 county. And I think myself that we should have protected it many, many years ago. But I'll take  
3 - I have no problem if Cllr Ruttle wants to propose an amendment, I have no problem in listening  
4 to that Chairman.

5 Cllr RUTTLE: In that regard --

6 CATHAOIRLEACH: Cllr Timmins wants to come in there.

7 Cllr TIMMINS: Just briefly, we are all for protecting this area of Baltinglass, as Cllr Cullen  
8 pointed out, it is a very, very historic area of Wicklow, and in particular in the town, and it's an  
9 area that's underdeveloped from a tourism point of view. But I don't want this protection to  
10 impact on the ability of the local parish to extend their graveyard for example. So if some kind  
11 of compromise could be found to allow them to do whatever normal development that they  
12 would need, which I assume will be subject to EIS in any case. But I wouldn't like that this  
13 protection has any negative impact whatsoever on their ability to run their parish and make plans  
14 for the future of the graveyard in particular.

15 CATHAOIRLEACH: Cllr Ruttle.

16 Cllr RUTTLE: Yes Cathaoirleach, I can assure you whatever excavations are going on, the  
17 parish have been the custodians of these lands for hundreds of years and anyone will agree  
18 looking at the graveyard and the building they've done a good job and none of the excavations  
19 are being carried out by the parish authorities. I can propose that the proposal is there for the  
20 historic, if we could withdraw all lands under the ownership of the Church of Ireland of St  
21 Mary's in Ballynure, withdraw that and take it out.

22 CATHAOIRLEACH: Is that okay?

23 Cllr Tommy CULLEN: I'll second that motion.

24 DIRECTOR O'BRIEN: I think the difficulty...

25 Cllr Tommy CULLEN: Does that exclude - that's including -- Cllr Ruttle, any lands in their  
26 ownership?

27 CATHAOIRLEACH: Put on your mic Cllr Cullen.

28 DIRECTOR O'BRIEN: We have a difficulty with that because that's more than a minor  
29 modification.

30 Cllr RUTTLE: What can we do Cathaoirleach?

31 DIRECTOR O'BRIEN: You know the taking out - you can either take it out altogether or do  
32 something that's minor. Taking out the whole field I think goes beyond - the law is difficult. It  
33 was framed so that when something was agreed in the plan, people wouldn't go back and revisit  
34 it again, but it is difficult.

1 Cllr RUTTLE: Then you could take it out and then (INAUDIBLE) that's a way around it.

2 Cllr Tommy CULLEN: Yes Chairman.

3 DIRECTOR O'BRIEN: So what you agreed is not to proceed with the amendment.

4 Cllr Tommy CULLEN: But that we would agree that we would bring in material variation say  
5 within a year.

6 DIRECTOR O'BRIEN: If we are doing another variation Councillor, just we have a limited  
7 number of staff, the number of applications is increasing, and we have the Rathdrum, Arklow  
8 and Bray district plans are happening at the moment, so it's certainly if there is another variation,  
9 we will do the whole lot together at that stage.

10 Cllr Tommy CULLEN: I would like, you know Chairman I think it's critical that we get this  
11 area protected as soon as possible. I appreciate Cllr Ruttle...

12 DIRECTOR O'BRIEN: We will do it as soon as we possibly can Councillor, I agree with you.

13 Cllr Tommy CULLEN: That's fine.

14 DIRECTOR O'BRIEN: We are agreed not to adopt this at the moment

15 MS GALLAGHER: Proposed by Cllr Ruttle and seconded by Cllr Cullen.

16 DIRECTOR O'BRIEN: Not to accept the amendment. Reject the amendment. Okay then, the  
17 last one on this group is the - sorry, 81. This is a very simple one in Avoca, it's in the preamble  
18 and we are just adding - page 168, we are adding two townland names. The historic copper  
19 mines, we are adding Ballygahan and Ballymurtagh. Okay. Then the next one is on page 201.  
20 And it's the record of protected structures. And the Chief Executive's recommendation is to  
21 proceed with the amendment other than all amendments related to the Avoca Mines, namely the  
22 last five rows in the public table and seven maps. The reason for this is we put these in without  
23 actually fully surveying the sites and on a preliminary examination, some of them aren't accurate  
24 and we would like to do them more accurately. Especially as some of them are on private land  
25 and we haven't gone through the full process on it either.

26 CE: What are you changing on the maps?

27 DIRECTOR O'BRIEN: We did a supplementary report on this. Which was sent to all members.

28 CATHAOIRLEACH: Cllr Fortune, sorry yeah.

29 Cllr FORTUNE: I want to make sure I understand what the Director is saying. I know this  
30 came up at the last meeting as well. You are saying we are taking out the last five, is it?

31 DIRECTOR O'BRIEN: The last five yeah, and we will do them again.

32 Cllr FORTUNE: Does that agree or disagree with the people in Avoca who want to protect the  
33 mines and develop them and - is that...

34 DIRECTOR O'BRIEN: No, no, they're against that.

1 Cllr FORTUNE: They don't want you doing that?

2 DIRECTOR O'BRIEN: No, the problem we have is that we accepted what they put before us,  
3 but we have had indications from the Department that they weren't accurately mapped and  
4 certainly on one of them, it's completely inaccurately mapped. Some of them are on private  
5 land. Do you want to go through this Sorcha?

6 MS WALSH: Just in terms of the different groups on the ground Cllr Fortune, there is actually  
7 three factions I suppose. There is a group called the Mining Heritage Trust of Ireland, who isn't  
8 a statutory body but a group of interested professionals in the area who are very much in favour  
9 of protecting anything that may be of heritage value. Another group on the ground is obviously  
10 the Department who are - who own the land and the custodians of the mine. And their primary  
11 consideration at the moment appears to be safety, with a long-term view to making the place safe  
12 so it can be developed as a tourism and heritage attraction. If it isn't safe in the first place,  
13 people can't be allowed on to the land so the tourism product can't be developed if there are holes  
14 all over the place. There is over 100 holes or shafts that are still open, so the place isn't safe for  
15 people to walk around and enjoy at the moment.

16

17 There is another group on the ground, which are locals, who are very close to some of these sites  
18 where there are uncapped kind of spoil materials that they feel are emitting dusts into the  
19 atmosphere and polluting the river and they'd be very much in favour, from what I have  
20 gathered, to a lot of the proposals that the Department are developing in terms of safety and  
21 capping some of these sites.

22

23 I suppose a fourth issue really is the pollution risk that's occurring from the mines, that's  
24 occurring of the Avoca river, so the EPA are interested in that as well.

25

26 Essentially at the last stage of the plan, we received a submission from the Mining Heritage  
27 Trust of Ireland asking for five additional features or locations to be added to the record of  
28 protected structures and unfortunately due to the timelines and so on, we didn't get an  
29 opportunity to fully evaluate all of those sites and essentially we took most of our guidance from  
30 the Mining Heritage Trust of Ireland, because we know that their motivations are wholly  
31 laudable in terms of protecting the heritage. We have since been out to see all five and you were  
32 issued with a supplementary report a couple of weeks ago and you were all given a hard copy  
33 again today. A team of us looked at all of these along with the heritage officer and some of them  
34 present a number of legal technical difficulties. In particular, there is two of them that actually



1 weren't mapped at the correct location, and the features in question are actually on third party  
2 lands that have had no notification of this proposal at all to include the structures on their land  
3 into the record of protected structures. So we feel it would actually, it wouldn't follow the  
4 correct process to add them to the record of protected structures. It would be unlawful and take  
5 away their rights to input in the process, so we are strongly recommending you don't proceed  
6 with them, because we feel they would be open to a serious challenge by the landowners because  
7 they haven't even been informed that you are even discussing this today.

8  
9 The other three that are proposed, we would have a number of them are either not there, or have  
10 been removed, or we feel having assessed them, that they are not of high heritage value in the  
11 sense that the record of protected structures is there to protect the best examples of things, and  
12 unique examples of things and we don't necessarily agree that that's what we have there on the  
13 ground. So our recommendation on each one has been set out very, very clearly in that  
14 supplemental report. So in order - so what we are proposing is that we don't proceed with those  
15 five. We are not saying there is nothing of value at all on all those five, but we just feel that it's  
16 the full information isn't there to make a fully informed decision on them and we could certainly  
17 come back and revisit them.

18  
19 There is another small element to this, which it was proposed to define the curtilage of every  
20 feature of the Avoca Mines. Anybody familiar will know there is various pump houses and  
21 chimney stacks and it was to define the curtilage. Again we didn't get an opportunity to go out  
22 and on the ground evaluate each of those. So we are recommending you don't proceed with  
23 them and we can certainly come back and revisit that and gather up more historical information  
24 and do more assessment when we have more time.

25  
26 The difficulty with the County Development Plan process, it's very short timeframes as you all  
27 know, it doesn't allow very much time to do indepth analysis of something like this which could  
28 take lots of inputs and months of collecting up data and historical information. So essentially we  
29 are not saying there may not be features of value within those five entries, but we are not  
30 recommending you proceed with them at the moment for the reasons that are set out in that  
31 supplemental report that was sent to you.

32 CATHAOIRLEACH: Cllr Murphy.

33 Cllr FORTUNE: The fact that we haven't got time, that's obviously a flaw within - the plans are  
34 schooled from the Department or whatever, but...

- 1 CATHAOIRLEACH: Cllr Fortune, Cllr Murphy had her light on.
- 2 Cllr FORTUNE: Ms Walsh was addressing something I asked...
- 3 CATHAOIRLEACH: I am looking here where...
- 4 Cllr FORTUNE: You are making a mistake.
- 5 CATHAOIRLEACH: I am saying Cllr Murphy had a light on a long time ago.
- 6 Cllr FORTUNE: Ms Walsh was addressing myself and I am just responding back to what she
- 7 said to me. If you want me to stop I'll stop, if that's the way you want to run the meeting.
- 8 CATHAOIRLEACH: I am just saying Cllr Murphy is next to speak.
- 9 Cllr FORTUNE: If you want me to stop I'll stop.
- 10 CATHAOIRLEACH: Cllr McDonald and Cllr Murphy have their lights on.
- 11 Cllr FORTUNE: You want me to stop then?
- 12 CATHAOIRLEACH: Yes, thank you.
- 13 Cllr FORTUNE: Thank you Chair.
- 14 Cllr MURPHY: You just stopped my train of thought there. Just commenting on what Ms
- 15 Walsh has said, I am not very bright sometimes and not seeing what's in between the lines, but
- 16 listening to Avoca Mines and the situation for the last six or seven years, and I am very
- 17 interested in it and I know there is two sides to a coin and I know there is two sides to a story.
- 18 But as a previous Cllr Vance had said on another topic there a few minutes ago, why can't we not
- 19 sit down in a room together with all these bodies, both local and nationally at Council. We sit
- 20 here and we talk every month about employment, promoting Wicklow, promoting, promoting,
- 21 promoting. The Think Tank on what tourism is doing, what it's not doing. We have a vital, vital
- 22 goldmine in this project and I know a lot of people are passionate about it and I know the
- 23 residents have a passion about it. But logic comes into here somewhere along the line. I know
- 24 it's very technical, I can understand that to a degree, but is this ever going to be moved on? If
- 25 there is no hope of this being moved on, please tell the people involved, please let us know as
- 26 Councillors that this is going nowhere. Because at some stage this has to be either moved on or
- 27 forgotten about. And take responsibility. Somebody take responsibility for this. Because this is
- 28 just going on and on and on. And I just think it's our fault if we miss this boat. If we miss this
- 29 chance to develop something in a small village in a small county, which could develop into so
- 30 much more. It happens everywhere else. Don't understand why it can't happen in Wicklow.
- 31 CATHAOIRLEACH: Cllr McDonald.
- 32 Cllr McDONALD: Thank you Cathaoirleach, I have been on top of this for the last while and I
- 33 want to commend the Chief Executive and Sorcha for re-opening this again and having another
- 34 look at it. My main concern about the whole situation is the health and safety of the people

1 living in the area. And also the potential tourists that it will attract when it's complete. To say  
2 that there is nothing happening is not quite correct. There has been a lot happening over the last  
3 three to four months. The Department have been down on site, and they are carrying out a  
4 number of health and safety works with regard to the people living in the area. But they're also  
5 doing a lot of work on the ground with the ore bins and the actual structures that are there, that  
6 we are in danger of actually falling down and they were going to be gone forever. There is  
7 nobody, I don't believe, in the Avoca area who is not concerned about the heritage of the Avoca  
8 Mines.

9  
10 Realistically on the ground, if you are a tourist going into a tourist attraction, your first concern  
11 is that you are safe, going on to that attraction. And having been in contact with the Department  
12 over the last few months, their sole objective is the health and safety of tourists and the people  
13 living in the area. They're fully committed to protecting the heritage of the mines site, to  
14 developing it into a tourist industry, there is nobody has any objections to any of that, but I think  
15 we need to be realistic. The Department have said and they've stated publicly that if those health  
16 and safety works aren't carried out, that they'll fence the whole mine site and nothing will ever  
17 happen to it. It's just going to fall into disrepair if they don't do that. So I'll definitely be  
18 supporting the CE's recommendation on this particular amendment.

19 CATHAOIRLEACH: Cllr Bourke.

20 Cllr BOURKE: It's very confusing Cathaoirleach. As previous Councillors have stated there,  
21 it's a very passionate issue for a number of people in the Avoca area. And I have listened to all  
22 sides of the argument and it's still very difficult to come down strongly on one side or the other.  
23 But I was hoping that the manager might consider putting these into the plan and if it needs  
24 tidying up afterwards in the context of a review of the plan, a variation could be brought forward  
25 in conjunction with other variations that we have talked about earlier to tidy up aspects of the  
26 plan, such as Cllr Matthews was looking for one earlier in relation to another issue. At least we  
27 would be moving the process on and it would be - it wouldn't get neglected. I think if we leave  
28 this out, it's going to be forgotten about for another five or ten years and it may never be done. I  
29 would prefer to see something in the plan more concrete, so if we haven't got it 100% right, at  
30 least we will have to focus on it and on the corrected version of it so that we can safeguard the  
31 heritage of the area for the future for future generations. So I think I propose that we would  
32 include those items in this plan at this stage.

33 CATHAOIRLEACH: Cllr Kavanagh.

34 Cllr KAVANAGH: Cathaoirleach, yes, I agree with Cllr Bourke. I think they should be left in.

1 If they can be taken out at another stage and they can also be made safe and secure without  
2 having to be taken out. I think the fact that not enough research has been done on them isn't the  
3 fault of the people in the Avoca Mines Heritage Group, who are passionate about keeping these  
4 as protected structures. More work needs to be done, but I think it's easier to leave them in and  
5 take them out at a later stage than take them out and try and put them back in at a later stage. So  
6 I would be for leaving them in.

7 CATHAOIRLEACH: Just...

8 Cllr BOURKE: Cathaoirleach, I forgot to mention, just one point, very briefly, there is a lot of  
9 speaking out of both sides of their mouth by the Department on this. Health and safety of the  
10 public is mentioned, but the Department do give permission to say for example film crews, there  
11 were film crews in there making movies within the past year, and that's quite annoying to some  
12 members of the heritage group that are down there, to have the Department giving permission to  
13 certain groups to use the landscapes down there for filming, and yet denying public access to the  
14 members of the public for developing the site into a public park.

15 CATHAOIRLEACH: Cllr Blake.

16 Cllr BLAKE: We all know how important this site is to the people in Avoca and south Wicklow  
17 and certainly we want to do whatever we possibly can to promote tourism in the area and the  
18 whole project of preserving the Avoca Mines site as well. This is probably one example of  
19 where the people in the area and along with the mine heritage want to do something for it. but I  
20 think there was two areas you actually mentioned there, they're in private ownership that would  
21 create a great difficulty for us. I would ask you which two actually are in private ownership at  
22 the moment that we don't have any access to?

23 CATHAOIRLEACH: We got a report there this morning.

24 Cllr BLAKE: I know that, but just in regards to the items on page 203, which two are actually in  
25 private ownership on 203?

26 MS WALSH: Thank you Chairman, if I just run through very quickly the supplemental report  
27 you have there in front of you. The first proposed new entry is coded 35-3701 in slop more.  
28 And the map shows the location that was put to us by the Mining Heritage Trust of Ireland when  
29 they made the proposal for this and this is for the support basis for an airline ropeway  
30 somewhere in that land. When we went out to have a look, you can see on the next page, you  
31 see two red sites marked in red. The one on the left is the actual location of these support bases.  
32 They're not at all in the location that we publicised. And those lands are owned by third parties.  
33 So they have not been informed at any stage that there is a proposal on the table to list the  
34 features that are on their land. And the County Development Plan includes a clear legal process

1 that you have to follow of informing landowners if you intend to include items on their property  
2 on the record of protected structures.

3  
4 So that process hasn't been followed at all because it was indicated to us that these features were  
5 on a completely different piece of land that was owned by the Department of Communications.  
6 So we would put it to you that you haven't followed or the organisation hasn't followed the  
7 correct information and communication procedure there. Even if you were to pass this as a  
8 protected structure, it would have no legal standing, that vote, because the process hasn't been  
9 followed and the landowner has had their rights completely impinged, they haven't had their say  
10 at all on that.

11  
12 The second one is 35-0702, which is a concrete lined engine pool, which was again shown to be  
13 located in the same location up near Conary. And so the landowner has been informed because  
14 it was owned by the Department, and we believe it's already protected by virtue of existing  
15 protections that are built into the plan. So there is no need to specifically list this particular  
16 reservoir. The chimney that's next door to it is a protected structure and that includes its  
17 curtilage. Entry 36-1308 to east Avoca, this is footprint of Assay House, footprint of inferred  
18 mineral Assay office at Cronebane and it's shown outlined in red there. Again this is on land  
19 owned by a third party that's not been informed at all, because the land isn't owned by the  
20 Department or by the Council or any public body, so no landowner was informed of that. Again  
21 we would say that correct procedure hasn't been followed there and their rights have been  
22 impacted to get involved in the process.

23  
24 Number 35-1306 Tigroney West Avoca, these are a series of linked pits. When we went out to  
25 see them, we could possibly make out the outline of something, but we couldn't clearly discern  
26 what they were and what was there.

27  
28 And we are not recommending you proceed with them at the moment, because there isn't enough  
29 information to establish that they had the function that is alleged. There doesn't appear to be any  
30 works proposed in this area, so if there are features there, we don't believe they're under any  
31 threat at all.

32  
33 The final one is Tigroney West Avoca, areas of partly exposed copper remnants. There are no  
34 remnants of these at all on the site. We have carried out a detailed examination of the site and

1 unless there is something deeply buried under the site, we can't find it, there is a site where there  
2 were permitted works, where the ore bins are there, Tigrooney West, and there was an  
3 archaeologist on site, so any timbers found in the area have been recorded, but there is no  
4 records of anything else being in situ. We are not recommending that because there doesn't  
5 appear to be anything there and these features don't appear to exist on the site anymore. There is  
6 two that's a land ownership issue, one that doesn't appear to be there, one feature which we feel  
7 is protected already and one that we can't say whether it has a heritage value or has the function  
8 that has been suggested for it, and could do with some more investigation before you proceed  
9 with it.

10 CATHAOIRLEACH: Cllr Murphy there just has her light on.

11 Cllr MURPHY: Can you tell me when the third party that hasn't been informed, what timescale  
12 are you giving, or is there a timescale? And I mean how long more is this going to go on?  
13 When is the final I suppose survey of the site, and there is a conclusion? There has been a start,  
14 a middle, but there seems to be no conclusion on it? So I mean as Cllr Bourke has said, it's very,  
15 very confusing, but I just want someone to tell me the facts.

16 CATHAOIRLEACH: Cllr Blake.

17 Cllr BLAKE: Just briefly on the second one can be included in that without any - it's already  
18 (INAUDIBLE) there is no issue. Two of them we don't have any say in it, and the other two or  
19 the other one doesn't exist or there is difficulty with even locating it. So is it possible that we can  
20 actually include number two in it, 36-1308 at least anyway we will have gone some way of  
21 facilitating the people there, and the Mines Heritage Trust as well.

22 MS WALSH: Just to go back in. You mentioned 36-1308. That's where the landowner hasn't  
23 been informed. So if you were minded to proceed, the ones legally that you could proceed with  
24 are 35-0702, 35-1306 and 35-1305, although we say those features are not there anymore.

25  
26 Just in terms of the other questions, there is no timescale for informing the landowners. The  
27 time - the communication process was supposed to have happened before you make this  
28 decision. If these went on public display and were sent - we would have written directly to the  
29 landowner and they'd have had a number of weeks to participate in the process and let us know  
30 their feelings. They've not been written to, they've not been advised in any way, so that process  
31 has to be followed before you include something on a record of protected structures. You are  
32 seriously impacting on someone's private property rights without having gone through a legal  
33 process and therefore there is a difficulty with making those, making that decision here today.

1 In terms of when is the final survey, we are not the custodians of the site, we are not the  
2 proposers of the safety works or the tourism development. So the Council isn't due or set to  
3 undertake a full and final survey of the site. The Department of Communications have  
4 undertaken full and detailed audit of the entire site, and they're still working on that, so based on  
5 that audit, they've started their programme of safety works, and once they've reached a certain  
6 degree of project completion, they hope to move to the next phase which is the tourism project,  
7 once they have the place safe to allow people on to the site at all.

8 CATHAOIRLEACH: Cllr Fortune, do you want to come in there.

9 Cllr FORTUNE: Yeah, thank you Chairman. A quick comment, in fact in my view, Cllr  
10 Murphy has summed the whole thing up very well. I think this is something you are going to be  
11 talking about forever, it's come up in the chamber several times, Ms Walsh has already explained  
12 there hasn't been time to do various things because of the time situation on the plan. And I think  
13 what Cllr Murphy proposed in her first contribution to this, that why don't we get everyone  
14 together, make some comment on the plan for now and immediately as quick as we can after all  
15 this is done, get all the people together, sit down, have a conversation and come up with a plan  
16 that everyone can live with and everyone has an input into. Other than that you are going to be  
17 talking about it forever. If you are waiting on the Department, you will be waiting forever.

18 CATHAOIRLEACH: Cllr McDonald.

19 Cllr McDONALD: Thank you Cathaoirleach. Sorcha, whose responsibility is it to notify the  
20 third party landowners? The Council's. If we take these five, if we leave these five in, and we  
21 were going against what the CE says, is that not more than a minor modification? What are we  
22 looking at legally?

23 DIRECTOR O'BRIEN: These are on display already.

24 Cllr McDONALD: Okay, that's grand. It's just that my concerns, so I'll have to disagree with  
25 what a couple of people have said. The Department are actually on top of this. It's a very, very  
26 large site. It's not going to be all done and dusted in a week. There has been a substantial  
27 amount of work undertaken by the Department, by the Mining Heritage Department as well.  
28 That's actually the feasibility study from 2008, and what the Department -- where they are at at  
29 the moment is they're working from this, the health and safety works that they're carrying out at  
30 the moment, it's mainly stemming from the residence who - residents who live in the area. It  
31 says there are airborne particles that contain lead and arsenic. Cancer causing particles in the air  
32 and I honestly don't think we can do anything in the County Development Plan. I think it would  
33 be very remiss of us if we were to hold up any sort of health and safety works at all on this site  
34 and I think we need to be moving forward. Maybe a bit more consultation with the department.

1 Even maybe try and get them in here to explain where they are at, what they've done and what  
2 they intend to do in the future. It's all very clear, but I do think we need to adopt this  
3 amendment.

4 CATHAOIRLEACH: Cllr Bourke.

5 Cllr BOURKE: Can you hear me there. If you go ahead with the manager's recommendation,  
6 would he give a commitment that he would bring forward a variation to the Development Plan  
7 within say the next 12 months for the inclusion of these so all the correct paper work and  
8 procedures can be followed and that that might address the concerns of the heritage group to  
9 their satisfaction. I would be prepared to go along with that if the Manager would give a  
10 commitment of a timeframe to do it. Because I can just see if it's taken out now, I would be  
11 afraid it's going to be left on the shelf and in five years time we will still have it unfinished.

12 DIRECTOR O'BRIEN: Yeah, no, we can give a commitment we are not letting this lie.  
13 Whether we can bring it - this won't go to variation, because there is a separate process for  
14 protected structures in the Act which is also confusing. I don't want to say we will have  
15 something done in a year because we really do need to talk to people and certainly if we are  
16 talking to private landowners, we have to keep them onside as well. But certainly I'll undertake  
17 we will do it, yeah and certainly since I am very finite in this organisation, I'll definitely do it by  
18 the time my time is left here. Unless I die!

19 CATHAOIRLEACH: That won't happen.

20 DIRECTOR O'BRIEN: Looking around the room here, I often wonder it could happen!

21 CATHAOIRLEACH: Can I just say on my own behalf, sorry, lads, mind the pictures. Can I  
22 just say we all got a communication, and Cllr McDonald alluded to it, from the residents of  
23 White Bridge who are more than happy with the way the department are dealing with the matter  
24 out there and presented us with some documentation, and I take on that, because it's only back a  
25 while ago, they had huge concerns out there, and they're able to live in peace now without dust,  
26 dirt or whatever and that's one end of it. I do acknowledge and I did receive a deputation last  
27 week from the people who want us to go ahead with the amendment today and my God they had  
28 some signatures supporting that. Sorry lads? I have good hearing! Don't mind him.

29 Cllr Tommy CULLEN: Work away.

30 CATHAOIRLEACH: Look it, I take on board what the Director has said, so I think we should  
31 on that - I accept what you said. I mean there is two parties here. It would be very difficult to  
32 marry the two parties, one wants to protect everything in the mines, the other people are more  
33 concerned about safety, their own safety and the safety of other issues, and we have landowner  
34 issues as well. It's up to the members how they want to proceed. What are you saying Des, that



1 you will...

2 DIRECTOR O'BRIEN: Certainly we will work away at it, we can't guarantee we will have  
3 something on the table in 12 months because we do have to talk to landowners, we have to get,  
4 see what the survey and the Department are doing and define the access more accurately, but  
5 certainly I'll move on it, personally I'll give an undertaking while I am still here, so I am going to  
6 start pretty soon, I can't guarantee when the process will end, as it's an open process.

7 CATHAOIRLEACH: So someone make a proposal then to support?

8 Cllr McDONALD: I'll propose.

9 CATHAOIRLEACH: I second it. Everyone in agreement?

10 Cllr WINTERS: Agreed.

11 CATHAOIRLEACH: We are on to 21. Chapter six, 21.

12 DIRECTOR O'BRIEN: Common parlance is the fast food.

13 CATHAOIRLEACH: The members agreed the last day that motion was passed - sorry Cllr  
14 Whitmore - I mean is there anyone, we don't have to take another vote on it, but the members  
15 agreed the last day that that was passed at the previous meeting, submissions were received, and  
16 the chief - you recommended - anyway, the vote was to support.

17 DIRECTOR O'BRIEN: Can I just come in Cathaoirleach. The only practical problem and we  
18 will accept the amendment, we are not going to stick our head in the sand on this one. Just on a  
19 practical, we don't have the skills to assess nutritional value of products, so to put that in in the  
20 thing is - it's not practical for us, so we are suggesting to take out the definition of fast food  
21 takeaway outlet. That's it.

22 CATHAOIRLEACH: Councillor, we are - Cllr Whitmore first please.

23 Cllr WHITMORE: Thanks very much Chair. Just in relation to that, I can understand the  
24 rational, but it also pulls out the part of it that says that it would be any outlet whose business  
25 would be primarily the sale of hot or otherwise prepared food. And I suppose what we don't  
26 want is for premises whose business isn't the primary sale of takeaways to be affected by this  
27 amendment either.

28 DIRECTOR O'BRIEN: Basically I suppose in fairness, it's the second sentence that we have the  
29 problem with rather than the first sentence.

30 Cllr WHITMORE: So it's the ingredients and the content of the food.

31 DIRECTOR O'BRIEN: "It shall mean any ...(Reading)... comprising of the outlet". We would  
32 ask you if you could delete "for the purpose of considering ...(Reading)..."

33 Cllr McLOUGHLIN: Can't hear you.

34 DIRECTOR O'BRIEN: We are asking you to delete "for the purpose of considering

1 ...(Reading)... planning application."

2 Cllr WHITMORE: So the first sentence will remain and the second sentence will be deleted.

3 DIRECTOR O'BRIEN: Yeah.

4 Cllr WHITMORE: I would be okay with that.

5 Cllr McLOUGHLIN: I second that.

6 Cllr WHITMORE: Can I thank the over 300 people who put in submissions, whether they're  
7 public reps or the public or health experts and also the no fry zone team have worked incredibly  
8 hard in pulling together all the research and putting this policy proposal, I want to thank and  
9 acknowledge all their hard work.

10 MS GALLAGHER: That's...

11 CATHAOIRLEACH: Is everyone agreed on that? Cllr Timmins.

12 Cllr TIMMINS: The 400 metres is that as the crow flies or by road?

13 Cllr WINTERS: Unfortunately it's not up for discussion today.

14 DIRECTOR O'BRIEN: I would leave that for the planners to decide if I was you.

15 CATHAOIRLEACH: Cllr Mitchell.

16 Cllr MITCHELL: Thank you Cathaoirleach. I just want to support this, and to thank the  
17 campaign group for raising it. There is a major issue of obesity which we need to tackle.  
18 Hopefully this will go some way towards tackling it in children. And I support the division of  
19 that purple writing into the first bit being included and the second bit not being included. Thank  
20 you.

21 CATHAOIRLEACH: Cllr Winters.

22 Cllr WINTERS: Thanks Cathaoirleach. When this was proposed, I had asked that maybe the  
23 word playground would be deleted from it as Rathnew, Ashford, and Newtownmountkennedy all  
24 have playgrounds within 400 metres of fast food outlets which provide not food during the day  
25 that would be used by school kids but more when the pubs close at night, in the event of any of  
26 those businesses shutting down, it would be extremely business for a new business to open up  
27 that would offer that kind of facility. And I think this is an unintended consequence of what is a  
28 move to protect schools, but when you live in a small community, I am not sure - I just wish the  
29 word playground wasn't in it and for that reason I won't support it and I want it to be recorded as  
30 being against it.

31 CATHAOIRLEACH: Cllr Vance.

32 Cllr VANCE: Chairman I am opposed to this for the simple reason that I believe parents have  
33 the right to look after their children, and decide what they eat. I don't think it will do anything  
34 for obesity in the Greystones area whatsoever. There is not a lot of it up there at the moment

1 anyway from what I can see. But the fact of the matter is that I think it's wrong from a planning  
2 sense, to plan for this in the Development Plan. This is a decision that parents should be taking  
3 for their own children, whether they decide to bring them to a fast food outlet or not. That would  
4 be my opinion. I don't think it's going to have any effect whatsoever in regard to obesity either.  
5 I think it's people trying to control, politicians trying to control peoples lives. We live in a  
6 democracy and people have choices, that's why I am opposed to it, I don't want to delay the  
7 immediate meeting - the meeting, but I want to record my objection to this.

8 Cllr WALSH: It's in reference to new outlets, this has no impact on existing outlets. We are all  
9 aware on the stats and figures in relation to child obesity at this stage and we have to recognise  
10 that planning has a role, a significant role going forward. Just to point out, this is merely a  
11 proactive and preventative step. It will not solve the problem. It's a multi-faceted approach  
12 required, but it's just one step.

13 CATHAOIRLEACH: Cllr McLoughlin.

14 Cllr McLOUGHLIN: I want to show my support for this, I think it's hugely important and I  
15 think it shows Wicklow leading the way. Studies in the UK, US and Scandinavia have  
16 conclusively shown that where you have fast food outlets close to schools, there is an increase in  
17 obesity. I know that as parents we should at all times make sure that our children are fed well,  
18 they eat well, they drink well, whatever, but unfortunately there is an awful lot of parents out  
19 there who for whatever reason, their children are not getting the right food and if they're very  
20 close to fast food outlets, that will be their mainstay meal of the day. Whether that's right or  
21 wrong is not for me to say, but all I do know is that we have a major problem and a problem  
22 that's not sustainable. It's not only not sustainable, but for the health of our children and adults  
23 going forward, we have to start taking steps to stop becoming the most obese country in the EU.  
24 I mean it's just an appalling situation we have allowed ourselves to get to and so for that, I would  
25 urge everyone to please support this, and let Wicklow be the leader in Ireland on this.

26 CATHAOIRLEACH: Cllr Blake.

27 Cllr BLAKE: Just a quick point as well, The Director of Services Michael Nicholson this  
28 morning announced that the corporate policy meeting, the funding for the village and town  
29 renew schemes, look he did announce funding for village renewal schemes this morning and  
30 Carnew was to get a new playground. That will probably be within 100 metres of a number of  
31 fast food outlets. Hopefully it won't impact on the provision of that playground in Carnew, but I  
32 too would like to register my objection to this proposal.

33 CATHAOIRLEACH: Cllr Fortune.

34 Cllr FORTUNE: I am in support of this particular amendment. My mic is gone again, will I

1 shout?

2 CATHAOIRLEACH: No you are all right.

3 Cllr FORTUNE: All of the members in the Greystones Municipal District are right behind this.  
4 And in fact I think it's a very innovative move. I think it's something that's going to happen  
5 anyway, there is already talk at European level and beyond about this whole issue. I would be  
6 very guided by people who know what they're talking about and one person that comes to mind  
7 is Professor O'Shea who has spoken on all the implications of obesity and I think it's a very  
8 responsible of us as a Local Authority and I would appreciate obviously any of the members  
9 who make sure this is passed. I think this is a very progressive step, I think it's very, very  
10 important and there is lots and lots of people have worked behind this and they haven't done it  
11 just for to have something to do, they're doing it because it's serious, they're doing it because it's  
12 necessary and I think it's a very proper and right and brave thing to do.

13 CATHAOIRLEACH: Cllr Lawless.

14 Cllr LAWLESS: Just the same as the other Councillors in the Greystones Municipal District. I  
15 want to note my support, I am delighted that this amendment will be accepted today and as has  
16 already been said, we are becoming the fastest growing obese country in Europe and it is only a  
17 very, very small step in the right direction. No it's not going to solve the obesity problems but I  
18 think we are really on the right path and I do welcome it. I would also like to thank the No Fry  
19 Zone group who have been absolutely fantastic in getting this up off the ground and everybody  
20 else that made submissions in and around this. Thanks

21 CATHAOIRLEACH: Councillor Tommy Cullen.

22 Cllr Tommy CULLEN: I don't know what this No Fry Zone is going to do for the sale of frying  
23 pans.

24 DIRECTOR O'BRIEN: Sell your shares!

25 Cllr Tommy CULLEN: Chairman, the only thing I would think about this, and the reason that  
26 children are going to fast food outlets nowadays is because most of the parents are working.  
27 And it's the only way that they can get food for their kids, their school going kids is go down to  
28 get some lunch. And you know, when you are looking to do away with something, what have  
29 you got to replace it? Where are the children now going to get their food? Are they now going  
30 to have to walk 600 metres to a fast food outlet or 500 or 401 metres to - 401 metres they can get  
31 to a fast food outlet. Then Chairman, I said it here the last day, my view the way to deal with  
32 this problem is to do what they do in every civilised country in the EU, that is that the schools  
33 provide children with healthy meal options, that they do in the UK, Germany, the Netherlands,  
34 every country, but that would be taking things seriously. It's an easy thing to come out and say

1 well 400 yards you can't get a fast food. What about providing proper canteens in the schools  
2 where the children can eat in schools and get proper nourishing food. That's what we should be  
3 focusing on, not a cheap publicity stunt about within 400 yards.

4  
5 Now Chairman, people can say what's a fast food, a sandwich, that's a fast food. A bread roll,  
6 that's a fast food. And a lot of those bread rolls for instance fast food contain the exact same  
7 ingredients that are in the other premises, the fast food outlets, they contain black pudding,  
8 sausages, the whole lot in sandwiches. They'll be excluded. But they are also categorised as fast  
9 food. Why isn't there a ban for instance on alcohol sale within 400 yards of the schools? Why  
10 isn't there a ban on cigarette sales within 400 yards of the schools?

11 Cllr WHITMORE: You have to be over 18.

12 Cllr Tommy CULLEN: A lot of children in secondary schools look more than 18. I have a view  
13 that it's easy for this to be - but there is no alternatives being given to the parents. The problem  
14 is parents are giving their children the price of something to eat at lunchtime. Because both  
15 parents are working. It's different when probably a lot of us was growing up, your mother was  
16 there to make lunch and stuff like that, and you always went to school with a lunch bag. That's  
17 not there anymore. Parents are leaving their children at 6.30 in the morning. They're not home  
18 until 7.30 in the evening. Who is going to provide the children with their lunches then? That's a  
19 big problem. What we are doing is banning something without providing an alternative. It's a  
20 bit ridiculous to say if it's within 400 metres of the school, you can't buy fast food, but if you are  
21 living within 401 metres of a school you can get fast food. I would like the alternative would be  
22 that this Council would write to Simon Harris and the other Ministers who have put their name  
23 on this, and to say to them why don't you give funding to the Department of Education to open  
24 up school meal services in our schools like they do in the rest of the EU and offer people an  
25 alternative, just say not what we are proposing here is just a bit of sensationalism, but dealing  
26 with where are the children going to get their meals.

27 CATHAOIRLEACH: Councillor Oliver O'Brien.

28 Cllr O'BRIEN: If I thought it would work, I would say fantastic idea. I just see it as another  
29 form of prohibition. It didn't work in the United States when they banned alcohol. Probably the  
30 one advantage I could see in it is that the 400 metres away, the people that's so concerned about  
31 the obesity, maybe by the time the kid had run down and got his burger and run back the 400  
32 metres, it might cure the obesity some way. Where are we going to stop? You take Loretto in  
33 Bray, it's close to Tesco and you see a lot of girls coming out at lunchtime stuffing their faces  
34 with doughnuts which are deep fried fat food. Where do you stop at this? You talk about the

1 experts as well, there is many experts and professors who don't agree with it. Another thing I  
2 always remember when I went to college, there was a little song called the Bun an Bui. This guy  
3 they were always giving out to him that he was an alcoholic and said you are going to die from  
4 drinking alcohol. He said I am really enjoying it, a great time, having good fun, I am really  
5 enjoying this, but the fella said you are going to die. He wrote this famous poem and the end  
6 line of the poem, I would far prefer to die from having enjoyed it he said than die from lack of  
7 drink because what happened to Bun an Bui, it was a little bird in the wintertime and the ice  
8 froze over and he couldn't have a drink. He was saying the same, I am an alcoholic and I  
9 couldn't get a drink. I would agree, let the parents make the choice. I would agree with Cllr  
10 Cullen, it's a fast fix to cover up for the fact that the Government for years haven't been doing  
11 anything about the proper feeding of children in the schools, they haven't been looking after it  
12 properly and I always say as well, it's warm food as well and I'll just say one other thing as well,  
13 I remember a famous man that founded Muintir na Tire, he was John Hayes and he founded  
14 Muintir na Tire, he said it doesn't matter whether your tummy is full of steak or porridge, at the  
15 end of the day your system will survive. We have far more severe problems than deep fried fat  
16 stuff at the moment. I can appreciate where people are coming from, but I don't think they're  
17 backgrounds where some of us have come from where you would be delighted to get a burger.  
18 Half the world is dying of the hunger.

19 CATHAOIRLEACH: Thanks. Councillor Kavanagh.

20 Cllr KAVANAGH: I just want to say that I welcome this. I think it's progressive. I think we  
21 really do need to tackle the issues of obesity. I think we haven't even begun to go there at the  
22 problems that are down the track waiting for us. I think it's okay to say well it's up to parents,  
23 parents are the reason why a lot of their children are obese in the first place. A lot of the parents  
24 are obese as well. Even if children do find a police that's 401 metres away from their school, at  
25 least they're going to have to walk to it and walk back if they want to avail of the fast food there.  
26 I think this is going to be a trend that's going to take off, not only nationally, but I think  
27 throughout the world because I think the world is suddenly copping on to the terrible problems  
28 that are waiting for us down the line with obesity.

29 CATHAOIRLEACH: Councillor O'Connor.

30 Cllr O'CONNOR: Thank Cathaoirleach, contrary to what Cllr O'Brien says, this is an enormous  
31 problem in Irish society. It's going to affect the health and the well-being and eventually it's  
32 going to affect the amount of years that our children live for. Something has to be done about it.  
33 I would agree with Cllr Cullen in that this isn't the final answer to it. School meals are certainly  
34 something that we should be looking at more seriously and I think that might allow us to make a

1 serious dent in the issue but for now this is a very good step forward and I would urge  
2 Councillors to support it.

3 CATHAOIRLEACH: Councillor Gerry O'Neill.

4 Cllr O'NEILL: Again I would look for clarification on this thing, because it's to exclude any  
5 new fast food takeaway. But is there not a bit of snobbery attached to all of this you know? In  
6 rural areas, you are going to find a local chipper within 400 metres of an existing school. And  
7 you know, the likes of kids in Donard or a small takeaway there, that could be - that would be  
8 used after school hours, it's a little bit confusing there. What I am trying to say is in very small  
9 areas like Donard, Dunlavin, places like that out West, does that mean from here on in a person  
10 can't open what's described as a takeaway, but yet you can open a restaurant there for the well  
11 heeled? I think - what I know where this started from was, was it a chipper, or a takeaway in  
12 Greystones, a new burger merchant or something like that, you know. I just wonder now is there  
13 a little bit of snobbery attached to this. In an ordinary restaurant, you can get the same maybe  
14 food that mightn't be the best to eat in a well heeled restaurant. But from here on in, the ordinary  
15 Joe Soap, the likes of Mick Dempsey now in Blessington, he will be a thing of the past, being  
16 400 metres from the school. So I would look for clarification before I would go one way or  
17 another on that one? It's okay in big towns, it's a different story, but in rural areas, it's a different  
18 kettle of fish.

19 CATHAOIRLEACH: Can I just say members, I would like to get to number 56 because that  
20 group have been very patient at the back there and we are coming towards half four.

21 Cllr FORTUNE: Do we need to extend the meeting

22 CATHAOIRLEACH: We have other items after half four.

23 Cllr McLOUGHLIN: I don't think we are going to get to the presentation to be fair

24 CATHAOIRLEACH: Them people have been sitting here, I can see them there, and also I see --

25 Cllr LAWLESS: They've been here since first thing this morning. Really I think we should,  
26 without anymore, if the members agree, we will go for the vote, I think to be fair to the people  
27 that have come down here today, they're here since ten o'clock this morning, we should go to 56

28 Cllr WHITMORE: Can I just clarify, this vote is not on whether or not fast food outlets will be  
29 able to open within 400 metres. That was already agreed at the last meeting. This vote now is  
30 going to be on whether or not we agree with the additional red text that's on the page. And the  
31 retaining the first sentence of the description at the bottom. So the decision for the no fry zone  
32 within the 400 metres, that's already been agreed at the last Council meeting. So -- I am correct  
33 in saying that?

34 CATHAOIRLEACH: We have already made the decision. There is something added in here.

1 It's only the amendment. Please read out the amendment so we can take a vote on it.

2 Cllr O'NEILL: It's just a takeaway, it doesn't mention the well heeled restaurant.

3 DIRECTOR O'BRIEN: The amendment is the inserted - there it is, the "takeaway" was put in  
4 "which offer foods that are high in fat, sugar or salt" was taken out. "Parks" was taken out. A  
5 modification at the end is that we will delete the first sentence of what's in purple -- sorry, the  
6 second sentence, sorry.

7 CATHAOIRLEACH: We need a proposer and seconder.

8 Cllr WHITMORE: I'll propose.

9 Cllr LAWLESS: I'll second it.

10 CATHAOIRLEACH: We will take a vote on that.

11 Cllr MITCHELL: What exactly are we voting on, to keep exactly what's there?

12 MS WALSH: Minus the second sentence.

13 Cllr Tommy CULLEN: Can I propose a motion that the Minister for Health provide funding for  
14 school meals...

15 CATHAOIRLEACH: That's a different matter. I am proposing we go ahead and vote.

16

17 (A vote was taken)

18

19 MS GALLAGHER: That's 25 for, three against, two not present and two abstaining.

20 Amendment carried.

21 CATHAOIRLEACH: I have asked if the members agree that we can go to 56, amendment 56.  
22 That's the one. The Rocks, Kilcoole, because I know the group has been there all day. I don't  
23 want to bring them back another day. So...

24 DIRECTOR O'BRIEN: Page 116. Thank you Cathaoirleach. The Chief Executive is against  
25 this amendment for the reasons set out in the report. Basically, there is no evidence to justify the  
26 zoning of the land. It's not on any current national headings like national heritage areas or  
27 environmental - or European sites, natural impact sites. It's never been flagged by any studies.  
28 We have done EIS on this, which hasn't raised any of the things that can be outstanding. We  
29 have consulted with National Parks and Wildlife at all stages who are very supportive of it. In  
30 fact it was they who suggested having it as an eco park. And there are a number of objectives in  
31 the plan itself to protect the integrity of non designated sites. And as such the zoning objective is  
32 not necessitated. The objective effectively sterilises the land from any formal development  
33 without evidence to justify the sterilisation.

34 CATHAOIRLEACH: Cllr Fortune.



1 Cllr FORTUNE: Thanks Cathaoirleach. I put this amendment forward and I think there is  
2 support for it from my colleagues in our own district and hopefully from the members at large  
3 here in the meeting. If I can just put some things in context, you might bear with me, it's a very,  
4 very important item for Kilcoole and surrounding areas stretching down as far as the Murrough  
5 in Wicklow Town. To this particular amendment, there has been 541 submissions in favour.  
6 There has been none against. And there was 109 signatures came in. So when you add up the  
7 whole lot, including there was 209 submissions in February and there was about 40 of those I  
8 think repeated this time around, so you got in excess of 740, 750 submissions of people saying  
9 "hang on, you can't do this" and pointing out the reasons why. There has been - at the last  
10 meeting there was question marks put up over the involvement of community and that, but in  
11 order to address that and put the thing in a positive note and put the facts on it, there has been  
12 community involvement in this particular location going back to the 90s and I'll quickly, Chair,  
13 scan down through them.

14  
15 In the 1990s, the Kilcoole Residents Association sent submissions to the CDP to have the site  
16 protected before landfill attempts were made by private or public entities. Sadly it didn't receive  
17 the required support.

18  
19 In 1998, the residents had to fight to protect the valley from landfill proposed for the eastern side  
20 of the valley by a local landowner. Ironically, this campaign was supported by County Council  
21 who refused permission to the development citing serious traffic hazard, damage to local habitat,  
22 risk to public health by dust, risk of pollution to the Murrough via the stream on site and was  
23 contrary to the proper planning on the area. This was an inert facility, and all the information is  
24 available to view on the Wicklow County Council website. The community involvement was  
25 key in preventing the destruction of the valley.

26  
27 Following on from that then, Wicklow County Council planned to landfill the valley with  
28 material from the southern access route. The local communities mobilised to prevent this, but in  
29 the end it was done by private contract.

30  
31 In 2001, Wicklow County Council again tried to landfill the site, and built a recycling facility.  
32 What followed was a prolonged campaign to protect the valley from destruction involving the  
33 communities and local Councillors. A vote was taken by the elected Councillors on the 4th of  
34 February 2002, and this was totally rejecting the proposal. Local TDs condemned the

1 destruction of this natural habitat and supported the community's efforts to protect it, numerous  
2 radio interviews and newspaper articles to prove this information as a fact.

3  
4 In 2015/16, Wicklow County Council again approached the community with another destructive  
5 proposal in the community's opinion, which has been conclusively rejected at all public meetings  
6 with no support pledged or given. It's worth remembering if it were not for the efforts of the  
7 local communities and politicians over the years, there would not even be a valley there in 2016.  
8 It would be land filled and buried three times over. So support on that is very, very important. If  
9 I could just -- back in 2002, Deputy Mildred Fox sent a letter to the residents addressed to a Mrs  
10 Kelly, "I am writing to let you know that the Par X for the land development/re-instatement and  
11 construction works was discussed at the meeting of Wicklow County Council on Monday 4th  
12 February, 2002. Due to the unanimous decision of the Council Members to reject the proposal  
13 the County Manager has withdrawn his plans to proceed with the Par X. It is necessary however,  
14 to be aware that future proposals could come forward from the Council for this site. If you wish  
15 to contact me ..." That's very, very important. Because that particular TD, of all the TDs we  
16 have had in our area for the last 20 years, is the one TD that really did a lot of work for Kilcoole  
17 and again in that letter she just proves how interested she was in the area. Back then at that time  
18 as well, our own Cllr Mitchell put in a letter as well, criticising and asking very relevant  
19 questions why that should happen. There has been a bat survey on The Rocks has been carried  
20 out by Donna Mullen, a qualified person from Kells in Meath and that particular survey shows  
21 the site is of local importance and should be afforded protection in the County Development  
22 Plan. "A detailed bat survey of the site should be undertaken; particularly looking for" - she  
23 calls it "Leisler's mating roosts. As the presence of a long eared owl and badgers were noted,  
24 these species must be surveyed prior to any planning application." And it has been said in  
25 reports there was no owls in there. There are owls in there. I actually walked the site last  
26 weekend, you can actually get in on the site, you can walk around the site, there are two areas in  
27 the site where you need to clip back some briars, but you can certainly get in and walk the site.  
28 Also...

29 CATHAOIRLEACH: Councillor, I am conscious that we have a suspension of standing orders  
30 at half four and there is another speaker, I want to get it through by half four. We have only two  
31 minutes.

32 Cllr FORTUNE: No, no, I asked for a suspension too Chair.

33 CATHAOIRLEACH: Hang on a minute, half four, there wasn't an issue after suspension of  
34 standing orders. I just make the point.

1 Cllr FORTUNE: This is very important to where I live. I have to make this case and there has  
2 been significant support for this, from all levels of the community, TDs over the years, as I have  
3 already read into the record. There is also an Independent Traffic Assessment was carried out  
4 that challenges a lot of the EIS report that was done. What's very significant in the independent  
5 assessment is the sightlines. It says categorically the sightlines detailed in the EIS report are not  
6 sufficient. In actual fact, it goes on to say that the - they're looking to have the Act changed so as  
7 not to allow Wicklow County Council to not to have to adhere to what the correct sightlines are.  
8 I can read that into the record chapter and verse if you give me the time. I have the report here,  
9 members can have a look at it, but it's vital that this doesn't happen.

10  
11 Also, as I said, "the EIS proposes to seek a departure from Wicklow County Council Road  
12 Department regarding the minimum required sightlines." If I was building a house in that area,  
13 you would not be allowed do that, they'd be turned down for the sightlines and you cannot ignore  
14 the planning permission that was turned down in 1999, and the reasons I have already read into  
15 the record here today, that the Council have turned down, and now they wish to ignore them for  
16 their own situation.

17  
18 Coming back to our last meeting as well, there was questions raised basically trying to get in on  
19 the site, Cllr Fox had an issue with that, I have addressed that. You can actually get into the site.  
20 I have done it. And that the site up there is a natural habitat. It's a natural eco park. It doesn't  
21 necessarily have to have people traipsing all over it. In fact people shouldn't be traipsing all over  
22 it. The site absolutely needs to be protected. One of our MEPs, Nessa Childers visited the  
23 location a few days ago, and she was absolutely astounded to hear that we were even  
24 contemplating doing something like this. I'll read the letter into the record. "Dear Cllr Fortune..."

25 CATHAOIRLEACH: We won't be able to decide on anything.

26 Cllr WHITMORE: We will be stopping here in two minutes.

27 Cllr FORTUNE: How come we have stayed until 9 o'clock at night doing County Development  
28 Plan meetings? This is unfair, it should have been taken earlier in the meeting.

29 CATHAOIRLEACH: At the moment you are talking for seven minutes.

30 Cllr FORTUNE: Let me...

31 CATHAOIRLEACH: There is four Councillors here, Cllr Lawless...

32 Cllr FORTUNE: Let me finish on this. Let me finish on this, you are talking nearly as long as I  
33 am.

34 CATHAOIRLEACH: I wouldn't think so. That's a very unfair comment.

1 Cllr FORTUNE: We are not in the playground lads. "Dear Cllr Fortune, I would like to extend  
2 my thanks for the invitation to The Rocks Valley (Pretty Bush) in Kilcoole today, and for  
3 bringing your concerns and those of the local community to my attention regarding the proposed  
4 in-fill of this area with spoil from the Dargle River Scheme. Concerns exist regarding the  
5 protection of this area of natural bio-diversity and the eco system therein and as such my office  
6 will now be undertaking a review of the relevant European Legislation regarding the  
7 preservation of habitats and birds in advance of a potential breach. There is also national  
8 environmental legislation which may be pertinent to the preservation and protection of species  
9 inhabiting the area. It seems extraordinary that this site, dense in natural flora and fauna, be used  
10 in his manner when alternative uncontentious sites exist which are available to Wicklow County  
11 Council." There are several other locations that can be used. One of them is a quarry licensed to  
12 take this product in. It's an absolute disgrace if we don't support this particular situation.

13 CATHAOIRLEACH: Cllr Lawless.

14 Cllr LAWLESS: I won't speak too long, I think Cllr Fortune has covered quite a lot and I do  
15 want this to get to a vote so we can have some decision made on it today. I just want to support  
16 and I'll propose -- I'll second I should say the amendment for Cllr Fortune. In my eyes, this land  
17 was originally going to be used for landfill. It got refused permission. There is 280,000 tonnes  
18 of material that wants to come back in again to fill it as land and they're putting an eco park on  
19 top of it, just dickying it up as far as I can see. It's also noted as well that by doing this, the  
20 Council are actually saving the OPW €700,000 which is no benefit to us whatsoever, and as well  
21 as that the Municipal District then will have to actually look after this park afterwards. As we all  
22 know, we get absolute pittance into our budgets at Municipal District. This valley should be left  
23 as it is, there is no need to disturb it whatsoever, and I would be in full support of it. Thank you  
24 Cathaoirleach

25 CATHAOIRLEACH: Cllr Vance.

26 Cllr VANCE: Thank you Chairman. I can't believe some of the things I am after hearing in the  
27 last few minutes. I visited that site and really and truly, unlike Cllr Fortune, I accept he could  
28 get into the site. I certainly couldn't get into that site. After 50 yards, there was a lot of road  
29 materials in that site and it was certainly more a dump like for road materials and there was  
30 certainly topsoil and various things like that. And I can't believe - when I looked at it and I seen  
31 what could be in that site, you could actually have a park. There is social houses across the road.  
32 And this would be an unbelievable place for kids to come in and play given that it's going to be a  
33 parkland. Nobody, nobody could send anyone in to play in there as it is at the moment. It's  
34 absolutely - like it's nothing and certainly like there was no trails in there that any members of

1 the public regularly went in there either.

2  
3 In regard to zoning, could I just ask the Councillors to think very carefully of this: The zoning  
4 that's proposed on this is greater and stronger than Brittas Bay, than Bray Head, and the Sugar  
5 Loaf. That's a fact. There is no county in Ireland has the zoning that is being proposed on this  
6 particular site. And really and truly, and without any - when you go through an SAO order in  
7 Bray that we had to do, you have to meet a certain criteria before you got that by the  
8 Department. And yet we have a situation here where members of this Council want to put a  
9 zoning on it that effectively you could do nothing with it whatsoever. A stronger zoning than  
10 any other zoning that most counties have in the country in regard to this. And do the people  
11 around this table that are proposing this really believe that this is more important than the three  
12 areas that I have mentioned?

13 CATHAOIRLEACH: Thank you Councillor. Cllr Matthews.

14 Cllr VANCE: Chairman could I just ask do we have any photographs of what the site is at the  
15 moment, and a photo montage of what it could be like given the proper treatment? Do we have  
16 any of them? Thank you Chairman.

17 Cllr MATTHEWS: I am pressed, thanks Chairman. Thank you Chairman. I read the EIS on  
18 this, and there is two separate issues here, they're linked but separate issues and we need to be  
19 clear on that, one is a proposal to develop this which is before An Bord Pleanala at the moment  
20 and I think the EIS is deficient in a number of areas, but that's up to the Board to decide. What  
21 we have to decide on in this room is this amendment to zone this land for no development, and  
22 to protect the natural habitat and biodiversity. Zoning it as no development does not protect the  
23 biodiversity there. You need to put in objectives in your zoning to protect the biodiversity. Part  
24 of protection of environment and improving people's view of the environment and how they  
25 protect it is to give them access to it and allow them to enjoy it and have recreation time there,  
26 and that's how you foster and grow the importance of environment and biodiversity in an area. If  
27 you completely seal this land off and don't give people access to it whatsoever, that may have a  
28 pure environmental value but it doesn't go further than cause environmental protection in my  
29 mind. You can have a zoning on this that would prevent commercial or residential or built  
30 development but it would allow development that people could access it, that you could get  
31 some sort of community gain out of, whilst also protecting the environmental merits that it does  
32 have. So I would ask the proposers of this amendment to consider amending this to allow  
33 something, and I would ask the planners to advise on this as well, could they propose some type  
34 of zoning that would protect the area but doesn't totally eliminate the opportunity to develop

1 something for the community there, such as a walkway through it, such as putting in some  
2 seating or a picnic table or a bin, I wouldn't go for bins in it, but you know what I mean, but  
3 people can go in there and enjoy it and kids can go in and walk through it and enjoy it. At the  
4 moment, it doesn't really serve any community value if we seal it off like that and there is only  
5 the select few that might know the way through the odd bush here and there and get in to enjoy  
6 it. For example in Bray we have an OS1 zoning which prevents development, but allows  
7 managed access to it and allows people to have recreation and enjoy the amenity value of places  
8 we have zoned like that. Can the planners advise is there a zoning that would protect the area  
9 that would still allow some community gain and would meet everybody's requirements here in  
10 the room?

11 CATHAOIRLEACH: Cllr Kavanagh?

12 Cllr KAVANAGH: Thank you Chairman. First of all, at this late stage, I doubt very much if  
13 anything can be put into the County Development Plan for us to vote on other than the  
14 amendment that's on the table here in front of us. I just have a couple of points to make, I won't  
15 hold things up, first and foremost the people of Kilcoole don't want any development in the area.  
16 They've had meeting after meeting after meeting and they've sent in hundreds of submissions to  
17 leave the site as it is, an ecologically protected area. The other thing is there are streams that  
18 bound this site that feed down into the wetlands of the Murrough. If we start dumping 280,000  
19 tonnes of substrate into this area, nobody knows the impact that that's going to have on a special  
20 area of conservation a few miles further downstream. And I don't think we can vote to have  
21 anything other than protection of this site if we don't know what the long-term implications are  
22 going to be.

23  
24 Another point is that planning permission has been turned down on this site on a number of  
25 occasions so what has changed now.

26  
27 Fourthly why would the people of Kilcoole want 280,000 tonnes of substrate dumped in their  
28 area, which is going to cause huge traffic congestion, it's going to be a minefield carting it  
29 backwards and forwards. It's going to cause congestion, dirt, dust, traffic hazards, dangerous  
30 conditions for children in the area. And why destroy an ecologically sound area to replace it  
31 with a manmade one, it doesn't make any sense whatsoever. You either support ecology or you  
32 don't. It's as simple as that. And this site is developed without any interference from any  
33 human, man, woman, child, and it is ecologically sound. It has its own little ecosystem that has  
34 developed - it's a highly sensitive area, owls, badgers, bats, holly trees have all been identified in

1 it in independent surveys. So it's not true to say that it has no - there is nothing special going on  
2 there. So basically I just want to support Councillor Fortune's amendment that it will be left as it  
3 is.

4 CATHAOIRLEACH: You are next, I am just mindful of the fact that we are going to go over  
5 shortly. We have until 5 o'clock.

6 Cllr BEHAN: Can we not extend it now further?

7 Cllr FORTUNE: Can you explain that to me why we have until 5 o'clock?

8 CATHAOIRLEACH: We can finish next week. We can come back next Monday if the  
9 members are agreed, at 2 o'clock.

10 Cllr WINTERS: I am just making my apologies for next Monday, I won't be here.

11 CATHAOIRLEACH: There is one more Councillor there. You wanted to say something. Des  
12 wants to just come back in there.

13 Cllr FOX: Then very briefly. I did visit the site in question and I have to say I was a little bit  
14 disappointed from, I think Cllr Matthews said at the best, there was little - I felt there was little  
15 community gain in its current state. Now I have seen the plan. I would support it being  
16 preserved for recreation and amenity. Absolutely. But I do think my own personal opinion is  
17 there would be more benefit to have it as an eco-park and to have that people could have access  
18 to it. I feel there is very limited and restricted access. Look if the members decided to preserve  
19 it in its current form, that's fine, but I have to say I seen little community gain in its current state.  
20 Thank you Chairman.

21 Cllr WHITMORE: I'll be very brief. We have heard some of our colleagues here talking about  
22 the community gain and the community value to this site and I must say when I heard the  
23 original proposal, I thought an eco-park, that sounds pretty good, but when we spoke to the  
24 community, they were absolutely against it. Over 400 submissions were put in and we all know  
25 how hard it is to get people involved in a process like this. And every single one of them were  
26 against this proposal. So there is - for us to sit here and say there isn't community value or there  
27 isn't community gain and leaving it as it is, that's absolutely rejected by the community who  
28 value it and who actually do have access to it. They have the access that they wish to have to it  
29 and it does provide them with a lot of value and they appreciate having that there. And I really  
30 don't think us around this Chamber should tell them essentially what they should value and what  
31 they shouldn't. The social houses across the road don't want it either. All these people were  
32 consulted and they all wish it to remain as it is.

33  
34 I would just make the point there is no - in paragraph one it says, "there is no evidence to justify

1 ... (Reading)... pieces on the site." Now that's wrong because the badgers are there and the  
2 national parks have already been in and there was a proposal in place to rehouse the badgers, so  
3 a protected species has been found on the site. I'll leave it at that because I want to get to a vote.  
4 I really think we need to listen to the community in this regard and do as they wish.

5 CATHAOIRLEACH: Thank you. Cllr O'Brien, are you looking to come in there.

6 Cllr O'BRIEN: Is this more a problem about getting rid of the substrate in Bray? Obviously the  
7 people in Kilcoole has clearly spoken against it and maybe ... the question is are there any other,  
8 I think Cllr Fortune mentioned there were six other sites to get rid of that, I am just wondering...

9 DIRECTOR O'BRIEN: Cathaoirleach, just a comment on some of the points that have been  
10 made. The local landowner on the adjacent land, that was refused. But each submission is  
11 different in itself. And the reasons that was refused was because he didn't mitigate any of the  
12 impacts, the direct opposite to what is happening here. The southern access, it was bought  
13 initially when the southern access route was going to be done direct labour, it was bought for  
14 that purpose, the land. As it turns out it was done as a private contract and that wasn't included  
15 in the contract.

16  
17 The Recycling Centre never came in as a Part VIII for landfill at any time. What came in as a  
18 Recycling Centre. I remember at the time, I was in planning. All the bins were right on the back  
19 fence of the houses. It was put almost in the worst possible place as it affected the locals and I  
20 wasn't surprised when people got very upset about it.

21  
22 Bat surveys, we have done bat surveys. We have done all the surveys on this for the  
23 environmental impact statement. What's found out about the bat survey is it's a foraging site but  
24 there is other foraging sites and every bit of development you do, you take away some sort of  
25 ecosystem and food for wildlife but it was not considered significant.

26  
27 Similarly with owls. There is not an owl living site, it's a foraging site. You can see owls there,  
28 but they're not based there. The badgers are based there, and we have a licence, the National  
29 Parks and Wildlife Service gave us a licence to move the badgers at the time when we were  
30 doing public consultation, we agreed not to do it pending further meetings. But we have a  
31 licence for that.

32  
33 The EIS doesn't look for a derogation on sightlines. The EIS is put into Bord Pleanala and  
34 they'll make a judgement on it. We don't look at sightlines when we are doing zoning as such,



1 but there is a planning authority there. It's also going to the EPA in fact as well for landfills. So  
2 this will be vetted by a completely independent body who may or may not go along with us. So  
3 this was never refused permission for landfill before.

4  
5 I think it's a bit blase to say saving the OPW 700,000. It's saving the State. It's saving the  
6 taxpayer, it's saving all of us 700,000. And to be honest we don't see us saving Wicklow money  
7 or spending somebody else's money, at the end of the day it's all public money. I think it's to be  
8 commended that our staff go along and try and maximise Council assets and this is a Council  
9 asset. It was bought for this purpose in the first place.

10  
11 I don't agree with Councillor Matthew's EIS is deficient in a number of areas. We can all  
12 actually have our own opinions on it.

13 Cllr MATTHEWS: I said it was my opinion.

14 DIRECTOR O'BRIEN: I agree with you Cllr Matthews, I don't think we don't see eye to eye on  
15 this. The board will decide if it's sufficient or not and ask for further information if that's the  
16 case. The streams flowing into the Murrough, there are streams flowing into the Murrough from  
17 all over the place, from Newtown, Kilpedder. There is development going on there. You do  
18 mitigation for what's going through the stream. In this particular case, this is river gravel coming  
19 from rivers, it's basically the Dargle water if there is anything left in it there. But there are  
20 mitigation things included in the EIS and in our proposal. We have been extremely - we didn't  
21 actually need to go to an EIS on this. We saw that it was a sensitive site which is why we did it.  
22 It would have been sub threshold. I think the Council have been extremely sensitive about this,  
23 and very responsible.

24  
25 Traffic congestion, that's all dealt with in the EIS and will be dealt with by An Bord Pleanala,  
26 and just on the badgers, they aren't a rare species and we are already talking more about flora  
27 rather than the fauna.

28 Cllr WHITMORE: They're protected

29 DIRECTOR O'BRIEN: Same as bats and all the other, and that has been dealt with. At the end  
30 of this, and again we were talking about playing fields initially, the National Parks and Wildlife  
31 Service asked us to do an eco-park and we obliged on that. I think it will be a fantastic amenity  
32 for the people of the area, the wider area, and it will be good for the wildlife, which will all be  
33 put back as it was and it will be the same ecosystem there as is at present.

34 Cllr WHITMORE: You say there is no evidence of a rare and important protected species, there

1 is badgers there which are protected.

2 DIRECTOR O'BRIEN: It's not rare, it's protected.

3 Cllr WHITMORE: In your statement, in the document, page 117, first paragraph, "there is no  
4 evidence of rare or protected species." But there is badgers on site which are protected species, I  
5 just want to clarify that.

6 CATHAOIRLEACH: Cllr Fortune.

7 Cllr FORTUNE: I'll be very quick.

8 CATHAOIRLEACH: You have eight minutes.

9 Cllr FORTUNE: I would just say, I obviously don't agree what the Director is saying. The basic  
10 thing here is there is plenty of options where this can go. What's very important as well is the  
11 material that's going to be dumped in there is mostly inhomogeneous ground with fragments of  
12 Gabon baskets, re-inforced concrete and organic material. So we're not -- to say this is purely  
13 sand out of a riverbed is not accurate. Also in our previous meeting, Director O'Brien said there  
14 were no owls nesting there. An independent bat survey was carried out on the 20th of July,  
15 2016, the presence of a long eared owl was noted. So the owls are there. We are not being told  
16 the facts here, and the other problem in the area as well is the County Council has gone for a  
17 waste licence. This is going to be turned into a dump. And people don't want a dump on top of  
18 their houses. And the ecosystem that's there at the moment will be destroyed. There are people  
19 who know a lot more about this than I do, will tell you that. There is people sitting newspaper  
20 the public gallery that could stand up there for five minutes and explain it to you in the click of a  
21 finger. This is deadly serious. And what some of what Mr O'Brien is saying, based on the  
22 recording of the last meeting, are not factually correct. That's the reality.

23 CATHAOIRLEACH: We have to vote.

24 Cllr FORTUNE: I am just saying to the members we have got to be very fair to the community  
25 out there, that's the bottom line. The County Council have an option. They don't have to go  
26 there, so why are they going there?

27 CATHAOIRLEACH: Cllr Winters.

28 Cllr WINTERS: Before, when Cllr Fortune was speaking earlier on, it was coming up to half  
29 four, and you said Chairman it's coming up to - to Cllr Fortune, it's coming up to half four, we  
30 have to take suspension of standing orders and he said are we not going to have enough time and  
31 you said at that stage we could stay here all night. Now I took that as a time extension, so I don't  
32 know why this meeting is closing at 5 o'clock. We are all here...

33 CATHAOIRLEACH: I said I personally could stay here.

34 Cllr WINTERS: As did Tom Fortune. Does anybody want to go home, or do we want to finish

1 this?

2 CATHAOIRLEACH: The fact is I said it, Councillor -- I said I have no problem.

3 Cllr WINTERS: I think we should finish the meeting.

4 Cllr RYAN: The way it normally works with Development Plans is we go until it's finished,  
5 that's always been the way it's been.

6 Cllr WINTERS: It's ridiculous that we are finishing at 5 o'clock and going home.

7 CATHAOIRLEACH: Can we have a vote on this now please.

8 Cllr McLOUGHLIN: I just want clarification of something, has Wicklow County Council  
9 applied for planning to An Bord Pleanala for this.

10 DIRECTOR O'BRIEN: Yes.

11 Cllr McLOUGHLIN: If Bord Pleanala grants it, does that mean that if we vote the way - well I  
12 would hope it's going to vote because I fully support this amendment, does that mean it's void  
13 because you have applied for planning permission before it actually was implemented.

14 DIRECTOR O'BRIEN: I don't know. It's a moot point.

15 Cllr McLOUGHLIN: I would say it's quite an interesting point, would you not agree?

16 Cllr Tommy CULLEN: Chairman, we have another meeting here after this and I have a home to  
17 go to, I don't know about the rest of you.

18 CATHAOIRLEACH: Sorry, look it, I am proposing we take a vote.

19 Cllr MATTHEWS: I asked could the planners recommend any designated zoning.

20 DIRECTOR O'BRIEN: It's not a minor modification.

21 Cllr MATTHEWS: Who allows development, not construction development.

22 CATHAOIRLEACH: I am asking we go ahead with the vote.

23 Cllr VANCE: Sorry, so it's for, for the Manager's amendment, is that correct, or against it?

24 CATHAOIRLEACH: Or against it.

25 Or for the amendment I beg your pardon.

26 Cllr KAVANAGH: If we vote yes we are voting for the amendment or we are voting to accept  
27 the CE's recommendation, which was not to proceed. If we vote yes, which are we voting for?

28 Cllr VANCE: Can we get clarification from the top table there?

29 CATHAOIRLEACH: Who seconded Cllr Fortune.

30 Cllr LAWLESS: I did.

31 Cllr VANCE: Can we have clarification of what we are voting?

32 Cllr FORTUNE: Starters...

33 DIRECTOR O'BRIEN: Cllr Fortune's is to support the amendment, no development on the site.  
34 Voting for is no development on site, voting against is to allow development on the site.

1 Cllr VANCE: Say that again.

2 DIRECTOR O'BRIEN: If you vote for, it's to have no development on the site.

3 Ms WALSH: For the amendment that was published.

4 Cllr MATTHEWS: We wouldn't be able to develop anything there, walkways through it,  
5 nothing at all.

6 CATHAOIRLEACH: Listen, we need to get the vote going, so please.

7 MS GALLAGHER: Everybody clear?

8

9 (A vote was taken)

10

11 MS GALLAGHER: That's 18 for, 11 against, two not present and one abstaining. Thank you.

12 CATHAOIRLEACH: Just one item off the agenda there, it's item number six on the agenda  
13 which is - won't take long.

14 DEBBIE: Sorry, just for the overdraft, that's all, I need somebody to propose.

15 Cllr RYAN: Second.

16 MS GALLAGHER: Who proposed it?

17 Cllr BOURKE: Cllr Bourke.

18 Cllr Tommy CULLEN: I thought there was an agenda here for another meeting.

19 CATHAOIRLEACH: Next Monday.

20 Cllr WINTERS: What's wrong with continuing.

21 Cllr MITCHELL: I thought we were going to carry on.

22 Cllr RYAN: We always do the Development Plan.

23 Cllr WINTERS: Can we have a vote of the Councillors?

24 CATHAOIRLEACH: We have the launch of the LECP at 5.30.

25 Cllr WINTERS: It's a stupid evening to have a launch, I am afraid.

26 Cllr RYAN: Wait for the launch and then come back.

27 MS GALLAGHER: County members, would you be okay with a protocol meeting.

28 MS GALLAGHER: Members we have a presentation for Katie Taylor. Members, we have the  
29 presentation of the Katie Taylor Bursary.

30

31 Meeting concluded at 5pm

32

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