

**MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN THE  
COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 3<sup>rd</sup> JULY 2017,  
COMMENCING 2PM**

**PRESENT:**

COUNCILLOR E.TIMMINS, CATHAOIRLEACH, COUNCILLORS J. BEHAN, V. BLAKE, T. CULLEN, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O O'BRIEN, M O'CONNOR, G O'NEILL, J. RUTTLE, J. RYAN, B. THORNHILL, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS

**APOLOGIES:**

COUNCILLORS T. ANNESLEY, S. BOURKE, T. FORTUNE, N. LAWLESS AND J. SNELL.

**IN ATTENDANCE:**

MR. D. O'BRIEN, DEPUTY CHIEF EXECUTIVE  
MR. S. QUIRKE, DIRECTOR OF SERVICES  
MR. J. LANE, DIRECTOR OF SERVICES  
MR. T. MURPHY, DIRECTOR OF SERVICES  
MR. M. NICHOLSON, DIRECTOR OF SERVICES  
MS. D CROMIE, A/HEAD OF FINANCE  
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR  
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER  
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER  
MS. T. O'BRIEN, ADMINISTRATIVE OFFICER  
MR. D. PORTER, ADMINISTRATIVE OFFICER  
MS. M. HALVEY, ADMINISTRATIVE OFFICER  
MS. J. SHERWIN, ARTS OFFICER  
MS. D. BURNS, HERITAGE OFFICER  
MS. K. BOYLE, I.T. SUPPORT

**Votes of Sympathy**

Elected Members passed votes of sympathy to Councillor John Ryan on the recent passing of his mother Mrs. Renee Ryan, to the families of the late Mr. Tommy Metcalfe, Mr. Eric Archer, Mr. Padraic Carney, Mr. Mark Gerety , Miss Laura Dempsey, Mr. Matt Hudson and Ms. Kathleen Poynton Dooley. A minutes silence was observed for the deceased.

**Suspension of Standing Orders**

**1. Elimination of Cashier Services proposed by Bank of Ireland**

Cllr. V. Blake requested a suspension of standing orders to discuss the issue of cashier closures by Bank or Ireland. This was agreed.

**2. Bray Wanderers Soccer Club**

Cllr. M. O Connor requested a brief mention of the current situation pertaining at Bray Wanderers Football Club.

**Book of condolences**

Cllr. B. Thornhill proposed that the Council open a book of condolences in respect to the Grenfell Towers tragedy to express the Council's condolences and solidarity with the people involved. This was seconded by Cllr. J. Behan and agreed.

**ITEM NO 1**

**To consider the disposal of 0.25 acres of land (as per drawing no. 17/07/54/100 attached), being land situated in the townland adjacent to Colaiste Bhríde, Carnew, Co Wicklow to the KWETB (Kildare and Wicklow ETB), Church Street, Wicklow Town, Co Wicklow (in accordance with notice previously circulated).**

At the outset the Cathaoirleach highlighted that he and four other elected members (Cllrs T. Annesley, J. Whitmore, N. Lawless and J. Ruttle) of Wicklow County Council are representative on the KWETB. He felt it appropriate to declare this interest and all three elected members present (Cllr. Timmins, Whitmore and Ruttle) at the meeting left the chamber for the discussion. Cllr. P. Vance, Leas Cathaoirleach took the chair for this item.

It was proposed by Cllr. V. Blake, seconded by Cllr. P. Doran and agreed to dispose of 0.25 acres of land (as per drawing no. 17/07/54/100), being land situated in the townland adjacent to Colaiste Bhríde, Carnew, Co Wicklow to the KWETB (Kildare and Wicklow ETB), Church Street, Wicklow Town, Co Wicklow, in accordance with notice previously circulated. Councillors Timmins, Ruttle and Whitmore then returned to the Chamber.

**ITEM NO 2**

**To consider report in accordance with Part V111 of the Planning and Development Regulations, 2001(as amended): Blessington Greenway, Blessington, Co Wicklow.**

Elected members were circulated with report dated the 28<sup>th</sup> of June, 2017, signed by Mr. Sean Quirke, DOS, Roads and Transportation and Mr. Michael Nicholson, DOS, Community, Cultural and Social Development on the proposed development of the Blessington Greenway.

Mr. M. Nicholson, Director of Services, CCSD advised in relation to the background to the proposal. Phase 1 has been complete and is extremely successful and an application has been submitted to Failte Ireland to complete the remaining part of the Blessington Greenway. He advised that it was hoped to have the project ready to go in the event of securing funding from Failte Ireland. In relation to the Part V111, he advised that there had been very good public interaction through the public consultation process, uniquely there is only one landowner, the ESB and there is full co-operation. 293 submissions were received of which 278 expressed their support. He recommended the proposal to the members.

It was proposed by Cllr. J. Ruttle, seconded by Cllr. V. Blake and agreed by a margin of 25 votes for and 7 not present to proceed with the development as set out in the report circulated viz:

<b>FOR (25)</b>	<b>CLLRS. J. BEHAN, V. BLAKE, S. CULLEN, T. CULLEN, P. DORAN, G. DUNNE, M. O'CONNOR, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, G. O'NEILL, J. RUTTLE, J. RYAN, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH AND J. WHITMORE.</b>
<b>NOT PRESENT (7)</b>	<b>CLLRS. T. ANNESLEY, S. BOURKE, T. FORTUNE, N. LAWLESS, O.O'BRIEN, J. SNELL AND I. WINTERS.</b>

**ITEM NO. 3**

**To consider report in accordance with Part V111 of the Planning and Development Regulations, 2001 (as amended) in respect of : The proposed development of 51 housing units at Convent Lands (Radharc an Fharrage) Wicklow Town.**

Elected members were circulated with the Part V111 report of the proposed development of 51 housing units at Convent Lands (Radharc an Fharrage) Wicklow Town of Mr. Joe Lane, Director of Services, Housing and Corporate Estate. It was proposed by Cllr. S. Cullen, seconded by Cllr. G. Dunne and agreed by a margin of 23 votes for and 9 not present to proceed with the development as set out in the documents circulated.

<b>FOR 23</b>	<b>CLLRS. J.BEHAN, V. BLAKE, S. CULLEN, T. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, S.MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, M. O'CONNOR, G. O'NEILL, J. RYAN, B. THORNHILL, E. TIMMINS, P. VANCE AND G.WALSH.</b>
<b>NOT PRESENT 9</b>	<b>CLLRS. T. ANNESLEY, S. BOURKE, T. FORTUNE, N. LAWLESS, O.O'BRIEN, J. RUTTLE, J. SNELL, J.WHITMORE AND I. WINTERS.</b>

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

##### **To receive presentation: The Avondale Master Plan Project, Rathdrum, Co Wicklow.**

Mr. M. Nicholson, DOS, CC&SD, in giving a brief introduction to the Project advised that this is a multimillion euro joint project between Wicklow County Council, Coillte (the landowners) and Failte Ireland, which has been proposed for quite some time. He advised that the design team has been appointed. The brief has been prepared between Coillte and Failte Ireland, who are fully behind the project by way of funding as they see it as a flagship project for Ireland's Ancient East. He gave a brief background to the history of the house.

The Cathaoirleach welcomed Mr. Frank Cooney and Ms. Catherine Murphy, Project Architects of Cooney Architects who give a powerpoint presentation on the project to the elected members covering the following areas.

- The tender process
- Cooney Architects are the successful tenderer and have put in place a team to develop a detailed design
- Cooney Architects role is design team lead, project team coordinators, architects, and also conservation architects
- The Projects which the Team have worked on previously
- Representatives to the design team include; Levins Associates, quantity surveyors, Jennings O Donovan and FDA, engineering, environment and civil works.
- Alan Hill, Tourism development specialist with some 30 years experience in the area
- Interpretative consultants are Tell Tale
- Turtle Bunbury is the branding consultant.
- The brief was prepared by Coillte and Failte Irealnd and sets out the process that the design team is to follow. The process commenced in June of this year.
- The interpretation framework sets out to identify the overarching theme story of Avondale moving onto the visitor experience plan.
- The detailed design will involve preparing drawings/models that come from the interpretive framework
- The final phase is the planning application.
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Mr. Cooney concluded the presentation by advising that a detailed consultation plan is being developed and will continue throughout the process. As to the ideas that are likely to come out of

the consultation, it is at a very early stage but as the interpretation framework and visitor experience plan members will be kept informed as to the ideas that are emerging.

The project master plan for Avondale was very much welcomed by the elected members who looked forward to hearing more about the project as it progressed. They wished the team and the project every success.

#### **ITEM NO 5**

#### **To consider report: Legal Fees for year ended 31<sup>st</sup> December, 2016.**

Elected members were circulated with report dated the 28<sup>th</sup> of June, 2017; Legal Fees, 2016 which was read to the meeting.

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RE: Legal Fees 2016.

Dear Councillor, I enclose herewith for your information a report detailing each sections legal expenses for 12 month period ended, 2016.

Provision for the payment of legal expenses is accounted for in the Revenue Account. Capital expenditure in areas such as housing and roads etc. are generally recouped via the Department of the Housing, Planning, Community and Local Government. In cases where the Local Authority has been successful in court, every effort is made to collect outstanding legal fees due. Where cases are lost, legal costs arising are sent to our Legal Cost Accountants for review.

As there is a significant amount of detail in the attached report, if members have any queries on the information therein they should arrange to discuss same with the relevant Director of Services for more detailed information.

Yours sincerely,

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Lorraine Gallagher  
Senior Executive Officer,  
Enterprise & Corporate Services

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The following points were raised by the elected members:

- Full breakdown of legal fees expended in the case of Deputy John Brady requested
- Reference made to the extent of fees expended in cases against either past or present elected members of Wicklow County Council namely, Cllr. T. Cullen, former Councillors B. Nevin and Deirdre De Burca and Deputy John Brady. Explanation sought as to how these matters came to court and the settlements in relation to Cllr. De Burca and Deputy John Brady.
- Further detail requested in relation to Silver Wedge V Bray Town Council

The Cathaoirleach advised that he would request the Head of Finance to revert to elected members with the details. He asked if the Council agreed legal fees up front in so far as possible and that the members be given the details broken down between fees on capital items and fees on revenue items and also fees that can be recouped. Discussion on the matter concluded.

**ITEM NO 6****To consider the Draft County Wicklow Heritage Plan, 2017-2022.**

The elected members were circulated with the County Wicklow Heritage Plan, 2017-2022 and the Habitats Directive Appropriate Assessment Screening Report, 2017. Ms. D. Burns, Heritage Officer, gave a presentation to the elected members. Following a brief discussion by the members it was proposed by Cllr. S. Matthews, seconded by Cllr. T. Cullen and agreed to place the draft County Wicklow Heritage Plan, 2017 – 2022 on public display to be brought back to the elected members before the end of the year.

**ITEM NO 7****To consider the Burial Ground Policy Review 2017.****Elected members were circulated with report dated the 19<sup>th</sup> of June, 2017.**

Ms. H. Dennehy, Senior Executive Officer, Water Services advised the members in relation to the background to the proposed burial ground policy in that Wicklow County Council has responsibility for some 46 graveyards county wide and each with a differing policy as to what happens there. Approximately 1 year ago, the matter, having come before the elected members, it was suggested that a county wide policy be put in place. Subsequently a sub-committee was formed which represented all municipal districts and representatives fed back into the Municipal Districts. The policy now presented to the Council was put before the Water and Environment/Transportation and Roads SPC with 12 suggested policies going forward for recommendation to the Council.

The members made the following points:

- Each area has a different culture with regards to burial grounds, it seems insensitive that the elected members should dictate with regard to plastic wreath policies and what people can or cannot place on their loved ones grave.
- Reference made to the locals only policy of 8kms, while the policy provide that proximity to rural graveyards will be taken into consideration, if the Council were to adopt the policy the members would like that specific detail included.
- Clarification sought on VAT on burial plots, why is it charged in some cemeteries and not in others.
- Lawn cemeteries will be difficult to implement and are controversial. If the Council is to develop lawn cemeteries, then the issue of how they will be maintained, particularly Arklow must be addressed
- Why can the council not leave graveyards the same as they have been for the last hundreds of years. Headstones cannot be footstones. Burials face east and face the sun, this will be interfered with within the policy.
- Families want to put headstones at the head of the graves, not at the foot. View expressed that no elected member has the right to overturn what has been traditional to burials for generations.
- Can the Council address the issue of headstones falling away, particularly where all of the deceased loved ones have passed on and there is no family member remaining to tend the grave.
- The manner in which members of the travelling community bury their dead should be incorporated into the policy, particularly having regard to their culture and traditions.
- By ancient tradition, and for thousands of years, the congregation were buried facing east so as to face the rising sun on the day of the resurrection and the clergy were buried facing the congregation.

- This area of business is one of the most sensitive and sacred areas the elected members of Wicklow County Council will ever have to deal with and how the memory of those who have passed on before us are dealt with.
- Proposals within the policy that the Council will not make efforts to remove items to the front of graves in the lawn cemetery in Springfield welcomed.
- Proposals to develop urn walls or columbarium walls, in each of the five municipal districts welcomed.
- Tribute paid to Ms. Helena Dennehy, SEO, who has been given the impossible task of trying to bring legacy longstanding policy from the burial board days to present day. It is obvious that there is not agreement on some aspects but if there is agreement on certain areas they should be agreed.
- Has consideration been given to the development of a natural burial ground?

Ms. Helena Dennehy responded to the matters raised by the elected members. Following another lengthy discussion on the proposals it was proposed by Cllr. T. Cullen seconded by Cllr. J. Behan and agreed to bring back the 12 proposals to Municipal District level for further discussion and to come back to the Council at a later date.

#### **ITEM NO 8**

**To receive a presentation: Creative Ireland, Ms. Jenny Sherwin, Arts Officer, Wicklow County Council.**

Ms. J. Sherwin, Arts Officer, gave a presentation on Creative Ireland – Wicklow, which was circulated to the elected members viz:-

1. Background to the programme
2. Strategic Pillar 1 – Enabling the creative potential of every child
3. Strategic Pillar 2 – Enabling Creativity in every community
4. Strategic Pillar 3 – Ireland as a centre of excellence in media productions
5. Strategic Pillar 4 – Investing in our creative and cultural infrastructure
6. Strategic Pillar 5 – Unifying our global reputation

The elected members thanked Ms. Sherwin for her presentation and asked that the Irish language be appreciated as part of our culture.

#### **ITEM NO 9**

**To consider participating in the Nottingham St. Patrick's Day Parade March, 2018 only.**

Elected members were circulated with a copy of a letter received from Mr. Paul Curtis, Committee Member of Nottingham St. Patrick's Day Parade March, 2018 which advised that County Wicklow has been chosen as the lead county, for one year only, St. Patrick's day parade 2018, in Nottingham. The members were advised that the protocol committee had considered the matter and that it was recommended that the Cathaoirleach or his representative attend and represent County Wicklow. This was proposed by Cllr. S. Cullen and seconded by Cllr. G. O Loughlin.

#### **ITEM NO 10**

**To consider the Monthly Management Report, June 2017.**

Elected members were circulated with Monthly Management Report of June, 2017 dated the 28<sup>th</sup> of June, 2017.

Cllr. J. Whitmore referred to circular letter LG 18/2014 dated 2<sup>nd</sup> July, 2014 mentioned in the monthly management report and quoted from as follows:- *'It is intended to assist the elected members discharge their governance responsibilities and to oversee the executive in the delivery of the policies that the elected members have decided on, and also so have oversight of the Chief Executive discharge of his or her executive functions'*.

Cllr. Whitmore advised that she had looked at other local authority management reports and asked if the content of the management report could be reviewed with a view to providing more extensive additional information on activities undertaken in the preceding month. She asked for this to be discussed at CPG level.

### **ITEM NO 11**

#### **To consider measures the Council can bring forward to improve the safety of cyclists.**

The Cathaoirleach advised that he had been requested to put this item on the agenda the following points were made:-

- This is a serious matter which has been highlighted in the media, the statistics speak for themselves and some ten cyclists have lost their lives in the first six months of this year compared with four in the previous year 2016.
- Safety is an issue for cyclists on the County's roads, and the Council needs to be proactive to ensure the safety for both cyclists and motorists. County Wicklow is a very popular destination for cyclists having regard to our proximity to Dublin and our landscape.
- Groups of cyclists on rural scenic routes create a build up of traffic which unfortunately is causing a danger for motorists taking risks and for the cyclists.
- View expressed that all cyclists should wear high viz clothing.
- Safety is paramount.

Cllr. S. Cullen proposed that *'Wicklow County Council launches a road safety awareness campaign for cyclists and motorists to be aware of as the Council has to be proactive to try and deal with the issues and try and get motorists and cyclists to take more care on the road'*.

Response dated the 28<sup>th</sup> of June, 2017 from Mr. Michael Flynn, Senior Engineer, Roads and Transportation was read to the meeting:-

#### **Response:**

*"The issue of road safety for cyclists has come into focus in recent times due to the increase in the numbers of serious incidents.*

*Many cyclists use busy roads every day without any problem. Key factors in safe cycling include cyclists behaviour, driver behaviour, physical cycling infrastructure. Campaigns are regularly undertaken by organisations such as the Road Safety Authority to improve the behaviour of both cyclists and drivers. Wicklow County Council supports any initiative that raises the awareness of safety issues and improved safe practices.*

*Wicklow County Council is also involved in the provision of visible infrastructure for cycling activities comprising shared road surfaces and dedicated separating cycle tracks. The majority of roads are shared between drivers and cyclists without any specific engineering intervention.*

*The minimum width required for a dedicated cycle lane is 1.5 metres. This is one direction only. Given that the minimum roadway for two way traffic is 5.5 metres, the minimum overall road width required for the provision of a dedicated cycle lane is 8.5 metres.*

*Most roads in County Wicklow are not wide enough to provide dedicated cycle lanes to a proper standard. Wicklow County Council has provided 28 kilometres of dedicated cycle track, road markings and signs as part of efforts to improve cyclists behaviour”.*

### SUSPENSION OF STANDING ORDERS

**Proposals by Bank of Ireland to close cashier services:** Cllr. V. Blake thanked the Cathaoirleach for agreeing to the suspension of standing orders and outlined his concerns in relation to the proposals by Bank of Ireland removing cashier services from branches in County Wicklow, Tinahley, Carnew and Rathdurm and Nationwide. He advised that this matter was brought to the attention of the Wicklow County Council Joint Policing Committee that morning who expressed the concern in respect of older people in particular keeping cash in their homes in rural areas and the potential crime risk. Cllr. Lake proposed *“That the elected members of Wicklow County Council request the management of Bank of Ireland to reconsider its decision to remove the cashier service from rural branches nationwide as of 2<sup>nd</sup> August 2017.”* The proposal was seconded by Cllr. J. Behan and also agreed to write to the management of Bank of Ireland and also to the 5 Wicklow TD’s expressing dismay and anger at the proposal.

**Bray Wanderers:** Cllr. M. O Connor expressed concern at the recent media report in relation to Bray Wanderers and potential financial difficulty. He said that he wished to have the matter mentioned today as it considered it to be an important issue for North Wicklow. Following a brief discussion on the matter it was agreed that this matter be discussed at Bray MD level.

### URGENT QUESTION

#### **Question submitted by Cllr. J. Whitmore**

*“to ask the Council to outline the actions it is taking in relation to fire safety, in light of the recent disaster at Grenfell Tower, in particular to provide details of the last time a full fire safety audit was carried out in local authority housing stock, and whether there are plans to conduct another one in the near future?”.*

#### **Response:**

The issues in relation to Grenfell Tower in the main relate to multistory buildings and Wicklow County Council has very few social housing units in buildings of this type.

Wicklow County Council is currently undertaking an audit of the units required under Circular 04/2017. This requires that local authorities review units in multistory buildings to ensure that they can meet their statutory obligations with reference to fire safety with an emphasis on life safety.

The circular indicated that the review should concentrate specifically on common areas with a primary focus on ensuring that all early warning systems, including fire alarm and detection systems, emergency lighting and means of escape and emergency escapes are in place and fully functional. This review will be returned and completed by 19<sup>th</sup> July.

The circular specifically indicates that dwelling houses and duplexes are not included in this review. Wicklow County Council currently rents in excess of 4,300 housing units and do not have the resources to undertake a fire safety audit on all units and I am not aware of when the last full audit was carried out of all stock. However, in 2011 a smoke alarm/fire blanket programme was in place. There is currently a programme of carbon monoxide monitors being installed. Houses are constructed to the fire standards that prevail at the time of construction. As houses are relet they are brought to current standards where feasible.

End.

It was proposed by Cllr. J. Whitmore, seconded by Cllr. P. Vance and agreed to write to the Department to seek funding to carry out a review.

**THIS CONCLUDED THE BUSINESS OF THE MEETING**

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

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