

**MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 9<sup>TH</sup> APRIL, 2018, COMMENCING 2PM**

**PRESENT:**

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

**APOLOGIES: CLLR. M. O'CONNOR.**

**IN ATTENDANCE:**

**MR. F. CURRAN, CHIEF EXECUTIVE  
MR. S. QUIRKE, DIRECTOR OF SERVICES  
MR. J. LANE, DIRECTOR OF SERVICES  
MR. T. MURPHY, DIRECTOR OF SERVICES  
MR. D. O'BRIEN, DIRECTOR OF SERVICES  
MR. M. NICHOLSON, DIRECTOR OF SERVICES  
MR. M. GEANEY, A/DIRECTOR OF SERVICES  
MR. L. FITZPATRICK, HEAD OF IS SUPPORT  
MR. B. GLEESON, HEAD OF FINANCE  
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR  
MS. B. KILKENNY, SENIOR ENGINEER  
MS. S. WALSH, SENIOR PLANNER  
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER  
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER  
MS. B. HARVEY, EXECUTIVE PLANNER  
MS. L. EARLS, ADMINISTRATIVE OFFICER**

**Votes of Sympathy**

Elected Members passed a vote of sympathy to the families of the late Mr. Thomas Kinsella, Ms Lily Roe, Ms. Lynn McGlynn, Mr. Charlie Gray and Mr. Martin Lowe. A minutes silence was observed for the deceased.

**Suspension of Standing Orders**

Prior to the request for suspension of standing orders Cllr. B. Thornhill advised that he understood that correspondence had been received by management from Minister Simon Harris in relation to St. Paul's and he asked if this could be confirmed and if the letter could be circulated to all elected members.

At the outset the Cathaoirleach advised that he had not received an email from Cllr. Thornhill in relation to his request for the suspension of standing orders and that he had texted him back to this effect. He asked Cllr. Thornhill to outline his request for suspension of standing orders. Cllr. Thornhill advised that was seeking a Suspension of Standing Orders to discuss an email he said had been received by the elected members in relation to a conflict of interest of one elected member and that this letter had been written to the Law Agent. He said that he would like the matter clarified. The Cathaoirleach called for a seconded to the request in respect of which there was no response and the Cathaoirleach moved on with the meeting.

Cllr. T. Fortune then said that if Cllr. Thornhill's request to speak about correspondence received required a seconded then he seconded the request. He too asked if a letter had been received from the Minister in connection with St. Paul's and if it could be circulated. The Cathaoirleach

clarified that Cllr. Thornhill when making his proposal had outlined the specific reason for the request for suspension of standing orders and that this request had clearly received no support in the Chamber as the request had not been seconded. In response to Cllr. T. Fortune, the Chief Executive advised that he had received an email from the Minister (Simon Harris) that morning, Cllr. T. Fortune asked for it to be circulated.

S. 179 of the Planning and Development Act; reports to elected members.

Cllr. J. Whitmore advised that at the last meeting she had put forward a motion which she understood was to be included on the agenda in relation to the seeking of legal advice as to what can be discussed when S.179 reports come to the chamber. The Chief Executive advised that the issue of referring Part 8's to the Municipal Districts for consideration had been discussed by the Corporate Policy Group that morning and that it is intended to list same as an item on the May agenda and that he had asked for a position paper to be prepared for circulation to the members in this matter.

Policy for graveyards

Cllr. T. Cullen raised the issue of policy for graveyards in the Baltinglass Municipal District and he asked that this matter be included on agenda for the May meeting as it had been agreed at Baltinglass District. This was agreed.

**ITEM NO 1**

**To consider the disposal of fee simple and associated lease of 21 Seafield, Wicklow Town to Mr. Sean Byrne, 21 Seafield, Wicklow Town, Co. Wicklow.**

It was proposed by Cllr. G. Dunne, seconded by Cllr. J. Snell and agreed to consider the disposal of fee simple and associated lease of 21 Seafield, Wicklow Town to Mr. Sean Byrne, 21 Seafield, Wicklow Town, Co. Wicklow in accordance with the documents circulated.

**ITEM NO 2**

**To consider the disposal of 3 square metres or thereabouts of land situated at Ledwidge Crescent, Bray, Co. Wicklow to Gas Networks Ireland, Headquarters, Gasworks Road, Cork, T12 RX96.**

It was proposed by Cllr. P. Vance, seconded by Cllr. N. Lawless and agreed to dispose of 3 square metres or thereabouts of land situated at Ledwidge Crescent, Bray, Co. Wicklow to Gas Networks Ireland, Headquarters, Gasworks Road, Cork, T12 RX96 in accordance with the documents circulated.

**ITEM NO. 3**

**To receive a presentation from the Central Statistics Office**

Tony Downes of the Central Statistics Office gave a presentation to the Elected Members in relation to the 2016 Census results for County Wicklow:-

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- The population in Wicklow increased from 136,640 in 2011 to almost 142,500 in 2016. That was an increase of just under 6,000 or 4.2% which was compared to a national population increase of 3.8%
  - The population of preschool children in Wicklow decreased from 11,474 to 10,173. This was a decrease of 11.3% compared to a decrease nationally of 7%.
  - Looking at the other end of the spectrum, those aged 65 and over – the national picture shows us that there was just over 19% increase in the national population aged 65 and over between 2011 and 2016. In Wicklow there were 18,000 people aged 65 and over and that was a 23.8% increase between 2011 and 2016.
  - The average in Wicklow in 2016 was 37.2 years. That was an increase of one and half years over the five year period and that compares to an average age nationally of 37.4 years.

- The housing stock over a 25 year period has increased from 1.1 million to just over 2 millions in 2016 whereas the population increased from 3.5 million people to 4.7 million – an increase of 35%.
- In Wicklow the population increase by 4.2% whereas the actual housing stock only increased by 1.2%.
- People with disabilities – there were 19,244 people in the County that had at least one disability in 2016 and that was an increase from 17,616 five years previously.
- The number of carers have increased from just over 5,000 to 5,559 in 2016 and the care hours provided in Wicklow are 185,330 hours of care per week which was an average of 38.3 care hours per carer per week. This is an increase from 37.2 hours in 2011.
- Wicklow is coming out as the second highest commuting time with a commuting time of 34 and a half minutes in 2016. The average commuting distance is 18.8kms in 2016. The average national commuting time is just over 28 minutes.
- 69.2% of those who go to work every day in Wicklow did so in a car as a driver or passenger compared to 65.6% of those who go to work in a car nationally.
- There were just over 59,000 people at work in the County in April 2016 and that was an increase of 6,227 or almost 12% over the five years.
- 15,772 people retired in Wicklow in April 2016 and that was an increase of 22.4% in the numbers of retired people in that five year period.
- The largest sector of employment was industrial in terms of employment in the County where wholesale/retail trade accounted for 8,140 workers in 2016. That was 13.8% of all those at work.
- The second largest employment was human, health and social work which was 10.8% or 6,387 workers.
- All reports are freely accessible on the CSO website and these are useful links:
  - [Cso.ie/en/census/census2016reports](http://cso.ie/en/census/census2016reports)
  - Small area population statistics
  - Statbank
  - [census@cso.ie](mailto:census@cso.ie)
  - [airomaps.nuim.ie/ie/census2016](http://airomaps.nuim.ie/ie/census2016)
  - [census2016.geohive.ie](http://census2016.geohive.ie)

At the conclusion of the presentation Mr. Downes responded to the queries raised by elected members. Councillors thanks Mr. Downs for his presentation available on the website.

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

#### **To consider the Arklow and Environs Local Area Plan 2018-2024 Draft Ministerial Direction 2018 and to note views and recommendations of the Elected Members.**

Elected Members were circulated with the following documentation :

1. Letter dated the 28<sup>th</sup> of February, 2018 from Deputy Damien English, Minister for Housing and Urban Development
2. Direction in the Matter of Section 31 of the Planning and Development Act 2000 (as amended by S21 of the Planning and Development (Amendment) Act, 2010) – Arklow and Environs Local Area Plan 2018 – 2024: Sea bank Arklow and Ballynattin Arklow.

The Chief Executive advised that the elected members had been circulated with the Ministerial Direction in relation to the two areas, Sea Bank Arklow and Ballynattin Arklow and that the

direction is to remove both zonings. He advised that the matter has gone on public display, elected members can make submissions directly to the Minister and that the Council will be summarising the issues raised during the consultation process which will include any issues raised by the members at today's meeting. Mr. Des O'Brien, DOS advised that the Council Executive doesn't make any comments on the consultation period the role of the Executive is to synthesise submissions and forward to the Department.

The Elected Members raised the following points :

- It has come as a surprise that the Minister has taken this position. The land at Sea Bank has been zoned since the 1999 Development Plan, then rezoned in the subsequent plan, part residential and part employment and this zoning has been carried through successive County Development Plans and Local Areas Plans. The only reason the land was not developed is because of lack of sewerage infrastructure. Similarly in relation to Ballynattin, there was planning permission granted on the site for a tourism development which has since expired and the owner is intending to reapply for a hotel development which will create employment during construction and operation. Section 31 direction strongly opposed. .
- Support for the views expressed and call for the zonings to remain.
- Message to be returned to the Minister rejecting the circular issued on the 9<sup>th</sup> of March rejecting the instruction that Councillors cannot comment on a planning application either at Plenary meetings or Municipal District Meetings which is viewed as undemocratic.

#### **ITEM NO 5**

##### **To adopt Scheme of Letting Priorities**

Elected Members were circulated with letter dated the 4<sup>th</sup> of April, 2018 from Ms. Jackie Carroll, Senior Executive Officer, Housing and Corporate Estate and draft Scheme of Letting Priorities (Allocation Scheme for social Housing). Ms. Carroll, gave a presentation to the Elected Members covering the following areas:-

#### **WICKLOW COUNTY COUNCIL - REVIEW OF SCHEME OF LETTING PRIORITIES**

- Allocation Scheme for Social Housing
- Legislative Background:
- Objective of Scheme
- Review of Scheme
- Consideration of applicants
- Points System
- Priority Status
- Other issues

The Cathaoirleach highlighted the length of time bands on the waiting list and that the applicant on the housing list for 5 years is awarded the same number of points, 25 points, as an applicant on the waiting list for 10 years. He suggested that there should be some incremental credit to the person on the list for 10 years compared to the person on the list for 5 years. Following a discussion on the scheme it was proposed by Cllr. J. Snell, seconded by Cllr. J. Behan and agreed to adopt the Scheme of letting proprieties for social housing in accordance with the document circulated with the amendment *'that from 6 years to 10 years the applicant is awarded an extra point i.e. 6 years would 26 points, 7 years 27 points, 8 years 28 points, 9 years 29 points and 10 years 30 points'*.

#### **ITEM NO 6**

##### **To consider the Chief Executive's Monthly Management Report, March 2018**

The Chief Executive referenced a number of highlights in the report. The contract has been signed for the Florentine Centre in Bray; planning permission has been approved for the €90m extension to Ashford Film Studios by the Council; the Heritage plan was officially launched; the new web portal has gone live; the tourism strategy is nearing completion, and it is hoped to launch it along with the new web portal shortly. He concluded by saying that the report contains information

about NTA allocations and that he would take the report as read unless there were any questions the elected members wished to raise.

In response to a question in relation to the time frame for changing public light bulbs Mr. S. Quirke, DOS advised on the improvement in the level of reduction in faults and that it was hoped to develop an overall programme to replace LED lights. It was agreed to circulate the DOS's report previously circulated in this matter.

The following issues were raised in relation to the Chief Executive's monthly report.

- Congratulations to all staff involved in the development of the new web portal
- Query as to whether litter fines and fines for dog fouling is self financing in terms of paying for wardens?
- Reference made to an incident on the DART line between Greystones and Bray at around 9.35 p.m., the train stopped in the middle of the tunnel and passengers were stuck for some 3 hours. The concern is that if there was a fire or another serious incident of illness perhaps, and that the response from Iarnrod Eireann was unsatisfactory as it was 12.40 before another train came to take the passengers back to Bray. View expressed that the Council need to look at the whole issue of safety of trains between Bray and Greystones. The CE advised that the matter would be taken up Iarnrod Eireann.

## **ITEM NO 7**

### **To receive a presentation on the National Planning Framework.**

Ms S. Walsh gave a presentation on Project Ireland 2040 and the National Planning Framework, covering the following areas:-

#### **NATIONAL PLANNING FRAMEWORK OVERVIEW**

##### **11 Chapters**

- The Vision
  - A New Way Forward
  - Effective Regional Development
  - Making Stronger Urban places
  - Planning For Diverse Rural Places
  - People, Homes & Communities
  - Realising our Island and Marine Potential
  - Working with Our Neighbours
  - Realising our Sustainable Future
  - Implementing the NPF
  - Assessing Environmental Impact
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- Population growth
  - New population targets
  - Rural Housing
  - Zoning
  - Next steps
  - National Development Plan Overview
  - National Development Plan, Wicklow
  - National Development Plan, Funds
  - Metropolitan Area Strategic Plans

Elected members put forward the following views made the following contributions:

Cllr. D. Mitchell put forward the following 2 proposals which were seconded by Cllr. I Winters and agreed by the elected members:-

1. The Council lobbies transport authorities to ensure that 8 of the carriages resulting from refurbishment of 28 carriages under the NDP, due in service mid 2019, are used to provide an extra direct rush hour train from/to Gorey using either of 2 available slots around Bray Head leaving Greystones at either 07.22 or 08.22. The Council should contact Wexford Co Co to lobby as well. Further details are in the Rail Plan produced by Cllr. Mitchell in February 2018.
  2. The Council will make a submission to the Metro route selection group asking that a study be done now on the route to bring the Metro to Bray in the long term. This is on account of the LUAS not following the route of the old railway and thus having a number of sharp bends which a Metro may not be able to follow. Possibly some redesign of Cherrywood will be needed to allow this.
- €3b funding available for certain projects welcome, suggestion put forward that the Municipal District Managers and Engineers be brought together and briefed on the criteria for qualifying projects. View expressed that there is very little for County Wicklow in terms of infrastructure investment. Reference made to the Luas not coming to Bray and the DART underground to be shelved
  - Need for water and sewerage infrastructure in rural areas emphasized and whatever funding is available the Districts to be informed of same. View expressed that if there is money to spent in the rural areas it should be on water and sewerage.
  - Concern expressed in relation to revisiting the County Development Plan and the effect on Local Area Planning.
  - Query in relation to the towns of Greystones and Bray. Is it the Municipal Districts of Bray and Greystones which are being referred to or just the town areas?. Kilcoole referred to as an example, in the Greystones district however there is more industry in Kilcoole after Bray than anywhere else in the County presently.

Ms. Sorcha Walsh, Senior Planner responded to the queries raised which were noted by the elected members.

### **ITEM NO 8**

#### **To note the Annual Service Delivery Plan, 2017**

Elected Members were circulated with the Wicklow County Council Annual Service Delivery Plan, 2018. The Chief Executive advised that the Annual Service Delivery Plan sets out the main services delivered by the Council to the public during 2019 and which is aligned with the objectives of the Corporate Plan and Council funds. He invited the elected members to ask questions across the various functions and to seek clarification if required. Mr. Michael Geaney DOS, Water Services and Environment and Mr. Sean Quirke, DOS, Roads and Transportation responded to queries raised under the two areas.

### **ITEM NO 9**

#### **To consider and adopt the LCDC Annual Report, 2017**

Elected Members were circulated with Draft LCDC Annual Report 2017. Mr. M. Nicholson, DOS, gave a background to the LCDC and an update on the work of the committee to date and responded to the issues raised. It was proposed by Cllr. G. McLoughlin, seconded by Cllr. P. Kennedy and agreed to adopt the LCDC Annual Report, 2017.

### **ITEM NO 10**

#### **To note NOAC report on Performance Indicators 2016.**

Elected Members were circulated with NOAC report on performance indicators 2016 along with a detailed table in respect of each of the performances. Mr. T. Murphy advised that the report runs approximately 100 pages with some 27 detailed tables. He advised that the Corporate Plan sets out the high level goals for the Council's activities and it provides a context and a framework for the Council's Annual Service Delivery Plan which had been considered earlier in the meeting. He

outlined the background to the NOAC report and the salient indicators contained therein which was noted by the members and taken as read.

### **ITEM NO 11**

#### **To discuss the recent sale of Ardmore Studios, Bray, Co. Wicklow.**

Elected members discussed the recent sale of Ardmore Studios which they understood to have been acquired by some of the shareholders in Troy Studios in Limerick and while it appeared encouraging that the new owners are committed to retaining the studios in Bray for filmmaking concern was expressed in relation to a few aspects. Elected members noted that the Department of Business Enterprise and Innovation has sold the remaining stake in the studio. They also noted a recent article in the Irish times which reported on Ardmore and Troy Studios planning a joint strategy. The view was expressed that the Council should be absolutely clear publicly that Wicklow County Council will not now or in the future agree to a change of zoning on any of the Ardmore Studios site. Following a discussion on the matter it was proposed by Cllr. J. Behan, seconded by Cllr. N. Lawless and agreed to write to the Department of Business Enterprise and Innovation to request clarification as to why the Department sold its share in Ardmore Studios and the detail of the sale. It was further proposed by Cllr. J. Behan, seconded by Cllr. N. Lawless and agreed to invite the new owners to a future meeting of Wicklow County Council so that the Elected Members can hear what the future plan is for Ardmore Studios.

### **ITEM NO 12**

#### **Correspondence**

It was noted that some elected members had received an email from Mr. Kevin Sharkey asking to come and address the Council to seek a nomination to run as a candidate in the presidential election and Cllr. Behan asked if it was possible to the item on the agenda. The Meetings administrator advised that the Council had received another request in the same matter and that it would be brought to protocol committee. She also stated that the calling of a presidential election was normally awaited prior to inviting potential candidates to address the Council.

### **ITEM NO 13**

#### **Notice of Motions**

- 1. Notice of motion in the name of Cllr. G. Dunne (2<sup>nd</sup> November 2017).** *“That Wicklow County Council provides the Members with a detailed report on the Coastal Erosion that has occurred over the last number of months at The Murrough, Wicklow Town. Furthermore, provide the Members with details of the proposed plan of action and timeframe to further remediate and maintain the coastline in this area”.*

**Response:** ‘Wicklow County Council has been in discussion with Irish Rail and the OPW about a study to examine in detail the pattern of erosion of the soft coastline north of Wicklow Town. We have agreed with Irish Rail to pursue a study jointly to assess the erosion and consider solutions. The OPW have indicated that they will make a contribution to the study. The outline brief for consultants has been agreed between Irish Rail and Wicklow County Council. At a meeting in early March, between Wicklow County Council and Irish Rail, it was agreed that an advertisement will be placed on eTenders by Irish Rail in the coming weeks in order to appoint a consultant to carry out the study. It should be noted that the area in question is both an SAC and a pNHA, an area designated at a European level for conservation. The Senior Engineers advises that this call has been put out to etender by Irish Rail’.

It was agreed to circulate the response to the elected members. It was also agreed to write to the Minister for the Office of Public Works and Flood Relief to seek an update in relation to the provision of funding to carry out the works necessary.

- 2. Notice of motion in the name of Cllr. J. Behan (6<sup>th</sup> December 2017).** *“That this Council makes a policy commitment to provide adequate public seating in every cemetery under its*

*control and in particular that this Council provides seating in St. Gabriel's Cemetery, Arklow which currently has no seating for people visiting the cemetery to pay their respects to their departed family members and friends."*

**Response:** 'Each Municipal District is provided with a small maintenance budget for graveyards on a yearly basis. Each MD could arrange for seating through this process if required. There would unlikely to be an adequate budget in 2018 to provide seating across 38 graveyards in the county. An alternative option for provision may be that seating is sponsored and provided by local business, through agreement again with Local MD offices.'

Cllr. J. Behan referred to the 38 cemeteries in County Wicklow, 38 public seats and asked if the Council could ensure that there is money to provide one seat in each graveyard in the County out of the annual budget.

3. **Notice of motion in the name Cllr. J. Behan (8<sup>th</sup> December 2017).** *"That this Council receives a full report on the delays in the provision of updated broadband infrastructure in Knockmore, Arklow".*

**Response:-** 'Members are aware that the Knockmore Estate is in an area where broadband services are generally commercially available. It is therefore not covered by the National Broadband Plan. Open eir has advised in relation to Knockmore Estate broadband issue that the works required to upgrade the cabinet to fibre is unfortunately not in their current capital expenditure plans. Open eir have explained that the upgrade works required would involve relocation of an upgraded cabinet. It has been estimated that this would cost 20k extra on the normal upgrade costs thus a commercial business case for the upgrade was not viable. It was therefore left out of the current eir capital expenditure programme.

It can be noted that Virgin Media are currently building out their Network within Arklow and therefore there will be another fibre option within the town in the coming 6 month or so, this will provide commercial incentive for current operators to invest in their current services to Knockmore. Also SIRO are also planning to build a network in Arklow, the broadband officer is to meet them in the coming few weeks. Other than that mobile providers of broadband should be looked into by residents are they do provide high-speed internet access in the Knockanrahan area.'

Following a discussion on the matter Cllr. J. Behan asked for a meeting to take place between the Reps of Open Eir and Wicklow County Council with a view to having the cabinet moved and bring a solution to the problem.

4. **Notice of motion in the names of Cllr. M. McDonald, Cllr. N. Lawless and Cllr. M. O'Connor (13<sup>th</sup> February 2018).** *"That Wicklow County Council notes that Irish Rail plan to change to a hybrid fleet and extend the Dart Network northwards to Balbriggan or westwards to Maynooth. It further notes that there is no mention of any upgrade south of Bray. This Council calls on Irish Rail to include the line south of Bray in its planned upgrade of the Rail network, which would facilitate the many daily commuters from Counties Wexford and Wicklow".*

It was agreed to write to Irish Rail in this matter.

5. **Notice of motion in the name of Cllr. E. Timmins (19<sup>th</sup> February 2018).** *"That the department of Social Welfare to not close the District Social Welfare Office in Baltinglass".*

Following a discussion on the matter it was agreed that the Council write to the Minister for Employment Affairs and Social Protection to not close the District Social Welfare Office in Baltinglass and that the Social Welfare Office in Blessington be reopened.

**A.O.B.**

**Wicklow County Council Joint Policing Committee Public Meeting:** Elected members were reminded that the public Joint Policing Committee meeting will be held in the Arklow Library, Arklow on Wednesday 18<sup>th</sup> April, 2018 at 8.00.p.m.

**THIS CONCLUDED THE BUSINESS OF THE MEETING**

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

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

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**DATE**